

TOWN OF
STANFIELD
GENERAL
ORDINANCES

	GENERAL CODE OF ORDINANCES	
10.01	Firearms and Fireworks	5
10.02	Intoxication – In Public	5
10.03	Noise – Prohibited Generally	5
10.04	Noise – Prohibited Specifically	5
10.05	Use of Profanity	6
10.06	Littering	6
10.07	Taxicab	6
10.08	Property Owners	10
10.09	Game Room	11
10.10	General Penalty	13
	PARK AND TOWN PROPERTY	
20.01	Failure to Pay Admission Fee	13
20.02	Damaging Streets and Property	13
20.03	Damaging Playground and Park Property	13
20.04	Profanity; Riotous Conduct	13
20.05	Public Consumption of Malt Beverages or Unfortified Wines Prohibited	14
20.06	Obscene Words or Pictures, Writing or Drawing on Walls: Obscene Acts	14
20.07	Disturbing Public Meeting	14
20.08	Firearms and Fireworks	14
20.09	Town Parks, Playgrounds, and Recreation Centers	14
20.10	Noise Regulated	14
20.11	Operation of Vehicles Within the Park	15
20.12	Disposal of Personal Property	15
20.13	Tobacco Use Regulated	15
	ANIMALS AND FOWL	
30.01	Running at Large	15
30.02	Conditions for Keeping Horses	16
30.03	Conditions for Keeping Cattle	16
30.04	Conditions for Keeping Fowl	16
30.05	Male Goats Not to be Kept	16
30.06	Hogs Prohibited	16
30.07	Conditions for Keeping Dogs	16
30.08	Licensing of Dogs	16
30.09	Care of Dogs	16
30.10	Impoundment of Dogs	16
30.11	Confinement of Female Dogs in Heat	16
30.12	Vicious and Wild Animals	17
30.13	Unlawful	17
30.14	Proper Disposal of Dog Solid Waste in Stanfield Town Parks	17
	ORDINANCE FOR PARADES, MARCHES, AND DEMONSTRATIONS	
40.01	Definitions	17
40.02	Permit Required	18
40.03	Requirements and Issuance of Permits	18

40.04	Standards	19
40.05	Certain Activities Prohibited	19
40.06	Revocation of Permit	20
40.07	Interference Prohibited	20
40.08	Additional Regulations Applicable to Picketing	20
40.09	Exceptions	20
	OFFENSES AGAINST PUBLIC PEACE AND SAFETY	
50.01	Begging Without Permit; Exception	20
50.02	Solicitation	20
50.03	Disturbing Church Services	22
50.04	Disturbing Public Meetings	22
50.05	Firearms and Fireworks	22
50.06	Playing Games in Street	24
50.07	Soliciting Subscriptions on Street	24
50.08	Skateboards, Roller Skates, Coasters, and the Like	24
50.09	Town Parks, Playgrounds, and Recreation Centers; Entering/Rules	24
50.10	Noise Regulated	24
50.11	Loitering for the Purpose of Engaging in Drug-related Activity	26
50.12	Regulation of Smoking in Local Municipal Buildings	27
	STREETS, SIDEWALKS AND OTHER REAL PROPERTY INTERESTS	
60.01	Permit to Dig in Streets	27
60.02	Application for Permit	27
60.03	City Indemnified	27
60.04	Street Repair	27
60.05	Excavations; Leaving Unprotected	28
60.06	Supervision and Control	28
60.07	Streets Not to be Damaged	28
60.08	Placing of Poles	28
60.09	Use of Poles and Conduits for City Purposes	28
60.10	Barricades	29
60.11	Obstructing Streets or Other Real Property Subject to an Interest of Town	29
60.12	Spitting, Defacing Walls, Throwing Refuse on Sidewalks	29
60.13	Encroachments	29
	PARKING REGULATIONS	
70.01	Parking Within Parking Space	29
70.02	Standing or Parking Close to Curb	30
70.03	Angle Parking	30
70.04	Lights on Parked Vehicles	30
70.05	Stopping in Street	30
70.06	Stopping, Standing or Parking Prohibited	30
70.07	Parking Parallel to Curb	31
70.08	Parking in Alleys	31
70.09	Displaying, Washing, Repairing or Storing Vehicles	31
70.10	Standing or Parking on One-Way Roadways	31

70.11	Hazardous or Congested Places	32
70.12	Moving Vehicle of Another to Prohibited Place	32
70.13	Prohibited Parking at All Times on Certain Streets	32
70.14	Prohibited Parking at Certain Times on Certain Streets	32
70.15	Limited Parking on Certain Streets	32
70.16	Parking by Handicapped Person	32
70.17	Permits for Loading or Unloading at Angle to Curb	32
70.18	Loading and Unloading Zones	32
70.19	School Loading Zones	32
70.20	Commercial Loading Zones	33
70.21	Parking Signs Required	33
70.22	Notice of Illegal Parking: Duty of Police	33
70.23	Operator to Comply with Ordinance: Effect of Proof of Ownership	33
70.24	Impoundment	33
70.25	Penalty	34
	Privilege License Ordinance	34
	Golf Cart Ordinance	34
	Removal and Disposition of Abandoned, Nuisance, Junked Vehicles	36
	Wastewater Fees Collection Ordinance	42
	Rules for Operation of Game Rooms	43
	Stanly County Animal Ordinance	43
	Comprehensive Water & Sewer Policies	44
	Cross Connection Control Ordinance	49
	No Engine Brake Ordinance	59
	Minimum Housing Ordinance	60
	Establishing Curfew for Minors	77

General Code of Ordinances

10.01 Firearms and Fireworks

See Ordinance 50.05 adopted November 2, 2006.

10.02 Intoxication – In Public

A. It shall be unlawful for any person to be drunk or in an intoxicated condition on any street, alley or public place within the Town of Stanfield.

10.03 Noise – Prohibited Generally

The creation of any unreasonably loud, disturbing and unnecessary noise in the Town of Stanfield is prohibited. Noise of such character, intensity and duration as shall be detrimental to the life and health on any individual is prohibited. (State Law Ref. 160-20 (17))

10.04 Noise – Prohibited Specifically

The following acts, among others, are determined to be loud, disturbing, and unnecessary noise in violation of this code; but such 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 if another vehicle is approaching, apparently out of control or if in motion only as a danger signal after, or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
2. The use of any gong or siren upon any vehicle other than police, fire or other emergency vehicle.
3. The playing of any radio, phonograph, or other musical instrument in such a manner or with such volume, particularly during the hours between 11:00 pm and 7:00 am, as to annoy or disturb the quiet, comfort or repose of any person in any dwelling or other type of residence.
4. The keeping of any animal which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
5. The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.
6. The discharging into the open air of exhaust of any engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or control device which will effectively prevent loud or explosive noises therefrom.
7. The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.
8. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and distributing of bales, boxes, crates, and containers.

9. The shouting and crying of peddlers, barkers, hawkers, and 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, sale or display of merchandise, except with a permit from the Police Department.
11. The use of any mechanical loudspeaker or amplifiers on truck or other moving vehicles for advertising or other purpose except where specific license is received from the Town Clerk.
12. The firing or display of a gun, firecrackers, gun powder, or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance.
13. The maintenance and operation of radios, amplifiers, phonographs, or other mechanical instruments or devices of any kind whereby the sound therefrom is cast directly upon the street or public places, where such noise is disturbing to the public.

10.05 Use of Profanity

It shall be unlawful for any person to use, in a loud and boisterous manner, any profane or indecent language on any public street, area, or business within the corporate limits of the Town of Stanfield. (State Law Ref. N.C.G.S. 14-197)

10.06 Littering

It shall be unlawful for any person, firm, organization, or public corporation to place or leave or cause to be placed or left, temporarily or permanently, any trash, refuse, garbage, etc., on public streets or public areas within the corporate limits of the Town of Stanfield other than for the lawful pickup of garbage as provided by the town. (State Law Ref. N.C.G.S. 14-399)

10.07 Taxicab

General Provisions

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

- **Taxicab** – Any motor vehicle seating nine or fewer passengers operated on any street or highway on call or demand, accepting or soliciting passengers indiscriminately for hire between the point along streets or highway as may be directed by the passenger so being transported, and shall not include motor vehicles or motor vehicle carriers as defined in G.S. Chapter 62.
- **Rates** – Every person operating taxicabs within the town shall observe and charge only the rate established from time to time by the Town Council and filed in the office of the Town Clerk. No charge shall be made for children under six years of age when accompanied by an adult. The fares established shall be conspicuously and permanently posted inside the taxicab in reasonable view of all passengers.
- **Parking on Street Prohibited** – It shall be unlawful for any person to park or store a taxicab on the public streets of the Town for any purpose other than brief stops to pick up and discharge passengers.

- **Mechanical Condition** – It shall be the responsibility of the owner of each taxicab to keep the vehicle in good mechanical condition sufficient to meet the state inspection standards at all times.

Owners

Certificate of Convenience and Necessity Required – It shall be unlawful for any person to operate a taxicab on and over the streets of the town without first having applied for and secured from the Town Council a certificate of convenience and necessity as herein set forth.

Application for Certificate – Every person desiring to operate a taxicab on and over the streets of the town shall file on forms supplied by the Town Clerk and application for a certificate of convenience and necessity.

Issuance of Certificate – The Town Council shall have power and it shall be its duty to order certain certificates issued or to refuse to issue certain certificates for a partial exercise only of the privileges sought. It may attach to the exercise of the rights granted only by certificates, those terms and conditions as in its judgment the public convenience and necessity may require.

Duration of Certificate – A certificate of convenience and necessity shall constitute a franchise from the Town for the operation of taxicabs within the town, subject to the provisions of this Ordinance, for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually on or before June 1, and the Town Council shall review all certificates to be considered for renewal at its first regular meeting in the month of June of each year. Renewal application may be filed by letter stating any change which has occurred from the original certificate or application, such as the average number of pieces of equipment operated during the previous year, and the name of the owners of stock if the franchise shall be a corporation. At the time of renewal each year the Town Council may reduce the number of taxicabs authorized to the average number of taxicabs which the applicant has been actually operating during the previous 12 months. The owner of a franchise from the Town for the operation of taxicabs within the Town shall give the Town Council at least 30 days prior notice of intention to operating taxicabs under the franchise.

Determination of Convenience and Necessity –

In determining whether the public convenience and necessity require the franchising of taxicabs, the Town Council shall, among other things, take into consideration the following factors;

1. Whether or not the public convenience and necessity require the proposed or additional taxicab service within the Town.
2. The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible, and satisfactory.
3. The number and condition of equipment.
4. The schedule of proposed rates to be charged.
5. The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will

be preserved, and whether or not adequate provision has been made for off-street parking of the taxicabs.

6. The experience of applicant in the taxicab business.
7. Any other relative facts as may be deemed necessary and advisable.

Before making any decision with respect to the issuance of a certificate of convenience and necessity, the Council, or a committee thereof, shall make a full and complete investigation of all facts, and may, if it so desires, subpoena witnesses and utilize the service of the Chief of Police or any officer/employee of the Town.

Hearings: Notices – Each application for a certificate of convenience and necessity shall be scheduled for a hearing not later than 20 days after the application is filed. The applicant shall be notified by the Town Clerk by mail to the business address set forth in the application of the date and time of the hearing; the notification to be sent at least ten days before the date and time of the hearing. The Town Clerk shall also, within the same time, notify all persons, who at that time hold certificates of convenience and necessity for the operation of taxicabs within the Town, of the date and time of the hearing, and the name of the applicant. In addition, the Town Clerk shall cause to be published at least once in a newspaper of general circulation at least ten days before the hearing, a notice setting forth the name of the applicant and date and time of the hearing. The cost of the publication shall be paid for by the applicant.

Burden of Proof – The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab specified in his application, and all other facts required for the granting of a certificate.

Failure to Begin Operations – If a certificate is granted to an applicant, and the applicant shall fail, in accordance with the provisions of the certificate, to begin operations within 60 days after the date of the certificate, the certificate shall become null and void.

Transfer of Certificate – A certificate is not transferable without the consent of the Town Council. Applications for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceedings upon the application for the transfer shall be the same as those described for the issuance of a certificate, except that the question of public convenience and necessity need not be proved. In the event the franchise has been issued to a corporation, any change in the ownership of the stock shall be approved by the Council.

Revocation of Certificate –

- A. The Town Council may at any time after a public hearing revoke any certificate issued by authority of this subchapter for any one, or more, of the following causes.
 1. Failure to operate the taxicabs specified in the certificate in such a manner as to serve the public adequately and efficiently.
 2. Failure to maintain motor equipment in good repair.
 3. Failure to carry liability insurance or bond as required by ordinance.
 4. Failure to pay to the town the taxes or license fee for each taxicab, imposed upon the taxicabs.

5. Repeated and persistent violation by the taxicab drivers or traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution.
 6. Failure to report accidents.
 7. Willful failure to comply with any provision of this chapter of ordinances or state laws relating to the operation of taxicabs.
- B. No certificate shall be revoked until the owner has had at least five days notice by personal service or registered mail of the charges against him and of the time and place of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed in division (A) above, Council shall have the power to revoke the certificate, or to condition a revocation upon compliance with its order within any time fixed by it.

Substitution of Vehicles – The person to whom a certificate has been issued may, by appropriate endorsement thereon by the Town Clerk, substitute other vehicles for the vehicles for which the certificate was granted. In this instance, the liability insurance or bonds shall also be transferred to the substitute vehicle.

Indemnity Insurance Required – All taxicabs and jitneys hauling passengers in the town shall carry indemnity insurance while operating in or out of the town. The insurance shall be in the sum of not less than \$25,000 to cover injury to one person and not less than \$50,000 to cover injury of two or more persons on account of any accident sustained by persons on account of operation of the taxicabs or jitneys. No taxicab or jitney shall be granted a franchise or privilege license to operate in the town until the person operating it has taken out and secured this insurance.

Signs Identifying Vehicle as Taxi – Every person operating taxicabs shall have permanent signs at conspicuous places on each taxicab showing that it is a taxi and the name of the franchise and the number of the taxicab assigned.

Drivers

Application for Permit; Investigation – The application required of applicants to drive a taxicab shall be made on blanks furnished by the town for the purpose and shall, among other things, state the name, address, physical condition, physical description, former employers, court record, and state chauffeur's license number. The application shall be signed and sworn to by the applicant. The applicant shall further appear at the office of the Police Department for the purpose of having his fingerprints taken and photograph made, both of which shall constitute a part of his application. The Chief of Police is hereby charged with the duty of investigating the facts stated in the application.

Permit Issuance Fee – If the Chief of Police finds that the applicant to drive a taxicab has not been convicted of a felony; a violation of any federal or state statute relating to the use, possession, or sale of intoxicating liquors; any federal or state statute relating to prostitution; any federal or state statute relating to use, possession, or sale of narcotic drugs; within the past five years, and that the applicant is a citizen of the United States and is not a habitual user of intoxicating liquors or narcotic drugs; has not been a habitual violator of traffic laws;

and is a careful and prudent driver, the Chief may issue a permit to the applicant to drive a taxicab on receipt of the fee established by Council for these permits.

Permit Duration – All permits issued by the Town shall be for a maximum term of one year and shall expire on May 31st of each year. Drivers may renew their permits by filing an application and paying the required fee.

Revocation of Permit – At any time after the issuance of a permit to any person to drive a taxicab, the Town Council may revoke the permit, if the person holding the permit is convicted of a felony; a violation of any federal or state statute relating to the use, possession, or sale of intoxicating liquors; a violation of any federal or state statute relating to the use, possession, or sale of narcotic drug; repeated violations of traffic laws or ordinances; a violation of any state or federal statute relating to prostitution; or becomes a habitual user of intoxicating liquors or narcotic drugs.

Displaying Permit – The driver of every taxicab shall at all times while operating the taxicab, prominently post and display in the taxicab, so as to be visible to the passengers therein, his permit to drive a taxicab.

10.08 Property Owners

Section 1 – Purpose and General Prohibition

The purpose of this act is to protect the health and public safety of the citizens and residents of Stanfield. The Town does hereby require every person, firm, or corporation owning any lot, lots or tracts of real property within the town limits of the Town of Stanfield to keep such lot, lots, or tracts of real property free from weeds, unmaintained grass, bushes, trees, or personal property likely to provide cover or a hiding place for snakes, mice, rats, or stinging or biting insects, stagnant water, trash, garbage and other forms of offensive animal or vegetable matter, or permitting the same to remain on any such lot, lots, or tracts of real property. Any lots, lots, or structures on any lot, lots, or tracts of real property are hereby declared to be a nuisance and dangerous or prejudicial to the public health or public safety. The Town may abate such nuisance pursuant to NCGS 160A-193 or any other similar or successor statute or law. Any owner failing, refusing to keep the lot, lots, or tracts of real property free from such matter, or failing to remove such matter after notice shall be subject to a civil penalty as hereinafter provided for each violation or a criminal penalty for each offense or both, and each day's continuance thereof after notice shall be deemed a separate violation or offense.

Section 2 – Auto Body Shop and Junk Yard (see also Ordinance 2010#1April, Removal...Junked Motor Vehicles)

- A. The owner or owners of a junk yard and auto body shop shall erect a solid 8' (eight foot) fence around such junk yard or body shop.
- B. When the Street Commissioner determines that there exists on any such lot in the Town of Stanfield offensive matters as hereinafter defined, it shall be his duty and responsibility to report same to the Town Clerk who will, within (5) five days thereof, mail a notice to the last known address of the owner of said lot, directing that all weeds, trash, garbage, or

any other offensive animal or vegetable matter be removed from such lot within (10) ten days of the date of such notice, and upon failure of the owner to remove such matters therefrom within the time indicated on such notice, all weeds, trash, and other refuse, the Street Commissioner shall cause the removal of the same and the costs therefore shall be assessed against the owner of the premises and shall constitute a lien upon the same in the manner as street pavement assessments, and the Town Tax Collector shall be, in like manner, charged with the collection thereof.

Section 3 – As used in this Ordinance, the following words shall have the following meanings:

- A. **Weeds:** Weeds shall constitute all wild vegetation of a height of more than 18 inches and there is specifically excepted from this term all trees and shrubbery of all sorts, types and descriptions; growing crops, vegetable and flower gardens and vines producing fruit for human consumption.
- B. **Trash:** Trash shall constitute cans, bottles, papers, discarded flags and old clothing, waste, ashes, glass, floor sweepings, decayed and discarded lumber and wood scraps, abandoned and discarded tires and automobiles, junked vacant or parts of manufactured trailers of any type, tree trimmings, dead animals, and all other similar and like refuse which cannot reasonably be considered for any useful purpose.
- C. **Garbage:** Garbage is the organic waste matter, both animal and vegetable, from house, kitchen, restaurant, business, and industrial plants and other such premises. It is to comprise waste foods but does not include liquid which may be drained into the sewer.
- D. **All Other Refuse:** All other Refuse, including offensive animal and vegetable matter, and any other matters, objects and things that are unsightly, dangerous and prejudicial to the public health.

Section 4 – No person shall throw, place or deposit any trash in any street, alley, public place or on any private property within the city limits except in garbage cans or other garbage receptacles.

Section 5 – No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, boarding house, rooming house, café, restaurant, lunch stand, fruit stand, meat market, service station, garage, store, industrial plant, business establishment or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit same in a garbage can or other garbage receptacle.

10.09 Game Room

Section 1 – Definitions

- A. A game room for the purpose of this article shall be any place of business that principally operates mechanical games or pay devices or tables for which a charge is made either directly or indirectly.

- B. Examples of game rooms, by way of illustration and not limitation, are poolrooms, bowling alleys, billiard halls, amusement centers, and the like.

Section 2 – Licenses Required

- A. In addition, every operator of a game room shall apply for and obtain a permit from the Town Council to operate a game room. Application for such a permit shall be made upon forms provided by the Town Clerk.
- B. An application fee of \$15.00 shall be paid to and collected by the Town Clerk when the application is submitted to cover the cost of administration of this ordinance.

Section 3 – Restrictions

The Town Council shall not issue a permit to any applicant who:

- ❖ Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; or
- ❖ Is not a resident of North Carolina; or
- ❖ Is of immoral character; or
- ❖ Is a habitual user of alcoholic beverages or narcotic drugs

Section 4 – Prohibited Conduct

Permit under this article shall not, and neither shall their employees:

- A. Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football, or other parlay cards or gambling boards or devices;
- B. Suffer or permit the licensed premises to become disorderly; or permit any profane, obscene, or indecent language thereon;
- C. Employ, in carrying on the business, any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs.

Section 5 – Rules for Operation of Game Rooms

The following rules shall be observed by all operators of game rooms within the Town:

- A. All game rooms shall be closed between 2:00 am and 7:00 am Monday through Saturday.
- B. No play on any game shall be allowed during the times when game rooms are required by this article to remain closed.
- C. Game rooms may be open on Sunday between hours of 1:00 pm and 11:00 pm.
- D. All game rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.
- E. No screen, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of such room so that a clear view of the interior may be had from the street.
- F. No loud noises shall be allowed to emanate beyond the licensed premises.
- G. There must be an adult (18 years of age or older) managing the business on the premises during hours of operation at all times.

Section 6 – Revocation of Permit

After giving the operator of a game room adequate notice and an opportunity to be heard, the Town Council may revoke the license of any game room operator who is in violation of the above Ordinance.

10.10 General Penalty

In accordance with G.S. 160A-175, and unless this code provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction by a fine as stated on the citation issued. By express statement, any section may be enforced by the ordering of appropriate equitable remedy, including injunction, by the general court of justice. Each day that any breach or violation of, or any failure to comply with, any provision or requirement of any section or subsection of this code or any ordinance of the town, continues or is allowed to continue, shall constitute, and is hereby declared to be, a separate and distinct offense. Appeals are held in Town Hall. Town Administrator will serve as Hearing Officer. The foregoing is not an exclusive remedy and shall not preclude the Town from instituting a civil action for damages or to recover costs, including costs of litigation to the Town arising from a violation of any ordinance or from correcting a nuisance created by violation of any ordinance.

Park and Town Property

20.01 Failure to Pay Admission Fee

It shall be unlawful for any person to attempt to see public entertainment for which a fee is charged without paying the admission fee. Penalty, see *10.10.

20.02 Damaging Streets and Property

No person shall willfully or wantonly damage any of the public bridges, pavements, sidewalks or any of the property belonging to the town, or wantonly pull down or damage in any manner, any fences, gates, signs, awnings, building, or other property owned by the Town of Stanfield. Penalty, \$150 fine.

20.03 Damaging Playground and Park Property

It shall be unlawful for any person to willfully injure any of the playground equipment or property used in connection with the playgrounds, public parks, or school grounds of the town, or scar, deface, or injure any of the trees or shrubbery of the park or grounds, or willfully use any of the equipment on the grounds in such a manner as to injure any person. It shall be unlawful for any person to throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pool, pond, or any other body of water in any park, playground, or recreation center maintained by the town any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. Penalty, see *10.10.

20.04 Profanity; Riotous Conduct

It shall be unlawful for any person to use profane, indecent, or boisterous language, or behave in a riotous and disorderly manner in any street, alley or other public place.

Penalty, see *10.10.

20.05 Public Consumption of Malt Beverages or Unfortified Wines Prohibited

It shall be unlawful for any person to consume malt beverages or unfortified wine as defined by G.S. Chapter 18B on property owned or occupied by the town.

Penalty, see *10.10.

20.06 Obscene Words or Pictures, Writing or Drawing on Walls: Obscene Acts

It shall be unlawful for any person to do any obscene act in any public place, or to write obscene language or to make obscene markings or drawings on any public or private buildings, or on streets or sidewalks. Penalty, see *10.10.

20.07 Disturbing Public Meeting

It shall be unlawful for any person to disturb any public meeting, place of public entertainment or amusement, or to disturb such a place by loud talking, whistling, using indecent language, or in any other unseemingly manner, or to willfully obstruct the entrance way to the meeting or willfully impede the ingress or egress of those seeking to attend or depart from such a place in the town. Penalty, see *10.10.

20.08 Firearms and Fireworks

- A. It shall be unlawful for any person to fire off or discharge any firearms.
- B. It shall be unlawful for any person to shoot with a bow and arrow, or to shoot missiles of any description from slings, spring guns, or instruments of any kind.
- C. It shall be unlawful for any person to discharge any type of fireworks.

Penalty, see *10.10

20.09 Town Parks, Playgrounds, and Recreation Centers

Entering during closed hours prohibited; Rules and regulations for operation.

- A. When the Town Council has established the hour of the day the town's public parks, playgrounds, and recreation centers shall be opened and closed to the public use and shall have caused the hours of opening and closing to be posted in a conspicuous place at the respective parks, playgrounds, and recreation centers, it shall be unlawful for anyone to go upon the premises of the parks, playgrounds, and recreation centers during the time when they are closed to the public use.
- B. When the Town Council has established rules and regulations pertaining to the use and operation of the town's parks, playgrounds, and recreation centers, and shall have caused the rules and regulations to be posted in a conspicuous place at the respective parks, playgrounds, and recreation centers, it shall be unlawful for anyone to disobey those rules and regulations. Penalty, see *10.10.

20.10 Noise Regulated

The following acts, among others, are declared to be loud, disturbing, and unnecessary noise in violation of this section; but this enumeration shall not be deemed to be exclusive.

- A. The playing of any radio, phonograph, or other musical instrument in such a manner or which such volume, particularly during the hours between 11:00 pm and 7:00 am as to annoy or disturb the quiet, comfort, or repose of any persons in any dwelling, or other type of residence.
- B. The use of any drum, loudspeakers, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or display of merchandise, except with a permit from the police department.

20.11 Operation of Vehicles Within the Park

It shall be unlawful to operate a vehicle (on road or off road type) within the park except for areas so designated.

20.12 Disposal of Personal Property

Authority is given to the Town Administrator and Mayor to

1. Sell or discard any personal property that is:
 - a) Determined to have no value, or that
 - b) Remains unsold or unclaimed after the Town has exhausted efforts using any of the applicable procedures under NC General Statute Chapter 160A, Article 12, Sale and Disposition of Property; or
 - c) Poses a potential threat to public health or safety
2. Declare personal property owned by the Town to be surplus and disposes of any surplus property having a value of no more than \$5000.00 by:
 - a) Advertisement for sealed bids under NC General Statute 160A-268; or
 - b) Public Auction under NC General Statute 160A-270; or
 - c) By Exchange under NC General Statute 160A-271/
3. The Town Administrator shall keep a record of all property sold or exchanged under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, and the amount of money or consideration received for each sale or exchange. The Town Administrator shall make a report to the Mayor and Council on all property sold, exchanged, or disposed at least annually.

20.13 Tobacco Use Regulated

Tobacco Use, including cigars, cigarettes, pipes, vaping, chewing, dipping, etc., is prohibited inside all buildings that the Town owns, operates, manages, or controls and on all town owned properties, including Public Parks, except in designated areas clearly marked with signage. Penalty, see *10.10.

Animals and Fowl

30.01 Running at Large

It shall be unlawful for any person to permit any animal, fowl, or bird owned or controlled by him or in his custody to run or be at large in the town. Penalty, see *10.10.

30.02 Conditions for Keeping Horses

See Zoning Ordinance section 4-17(M)(3)

30.03 Conditions for Keeping Cattle

See Zoning Ordinance section 4-17(M)(1) cows

30.04 Conditions for Keeping Fowl

All persons owning or controlling or having in their custody any fowl in the town shall keep the fowl confined in a pen or enclosure on their premises. All pens and enclosures shall be maintained in a clean and sanitary condition. Penalty, see *10.10.

30.05 Male Goats Not to be Kept

It shall be unlawful for any person to keep, maintain, or harbor any male goat within the town. Penalty, see *10.10.

30.06 Hogs Prohibited

It shall be unlawful for any person to raise, keep, or maintain any hogs within the town. Penalty, see *10.10.

30.07 Conditions to Keeping Dogs

A dog owner shall keep his dog under restraint at all times. Penalty, see *10.10.

30.08 Licensing of Dogs

The owner shall keep on the dog, at all times when the dog is not inside a private building, a collar or harness, and the tag issued by The Stanly County Tax Collector shall be affixed to the collar or harness in such a manner that the tag can be easily seen. Penalty, see *10.10.

30.09 Care of Dogs

The owner of a dog shall provide it with humane shelter from heat, cold, rain, wind, and snow, and shall give it food and water adequate to keep the animal in good health and comfort. Doghouses and kennels must be soundly constructed, dry, and provided in cold weather with clean bedding. All dogs must be given opportunity for vigorous daily exercise and must be provided by their owners with veterinary care when needed to prevent suffering. No owner shall permit a dog habitually to bark, howl or in other ways to be a public nuisance. Penalty, see *10.10.

30.10 Impoundment of Dogs

If the dog is impounded in the Stanly County Dog Pound it then becomes the responsibility of the county, and its further disposition shall be under the applicable county or state laws. All boarding, releases, or adoption fees shall be paid to Stanly County. Penalty, see *10.10.

30.11 Confinement of Female Dogs in Heat

The owner shall confine any female dog in heat within a building, in such a manner that the dog will not be accessible to other dogs except for planned breeding and will not attract male dogs. Penalty, see *10.10.

30.12 Vicious and Wild Animals

“Vicious Animal” – any animal whose owner or keeper knows, or reasonably should know, has a propensity to attack a person by biting or in any manner causing injury or the reasonable likelihood of injury; or, one which has a propensity to habitually or repeatedly attack livestock or other domestic animals. This definition shall not apply to any animal which bites, attacks, or attempts to attack any person or animal unlawfully present upon the premises, or which is provoked to attack.

“Wild Animal” – any animal which can normally be found in a wild state; those feral, exotic, dangerous, or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to, lion, tigers, leopards, wildcats, bear, deer, and the like.

30.13 Unlawful

It shall be unlawful for any person to own, keep, possess, or in any way maintain a wild or vicious animal within the corporate limits of the town. After a determination by the designated agent or employee of the town that a particular animal is wild or vicious, the owner or keeper of the animal shall have it humanely destroyed, or otherwise remove it from within the corporate limits of the town.

Any person who owns or keeps an animal which has been declared wild or vicious shall have the right to appeal this decision to the Town Council. The Town Council or their representative shall conduct an informal hearing to determine whether the animal is wild or vicious. If the animal is judged not to be wild or vicious, it shall be returned to the owner.

30.14 Proper Disposal of Dog Solid Waste in Stanfield Town Parks

No person who owns, possesses or controls any dog shall appear with such dog in any park without the means of removal of any solid waste left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear in any park without the means of removal of any solid waste left by said dog. If any dog shall defecate within the park boundaries the owner of said dog shall immediately remove from the property all feces deposited by said dog. If such feces are not removed, and if walking a dog without the proper means of sanitary removal, then the owner of said dog shall be deemed in violation of this Ordinance. Exception: Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

Stanfield Municipal Ordinance for Parades, Marches, and Demonstrations

40.01 Definitions

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

“Block” – that portion of any street lying between its intersections with other streets.

“Group Demonstration” – any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting of the assembly.

“Parade” – any assemblage of two or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition, or procession of any kind in or on the public streets, sidewalks, alleys, parks, or other public grounds or places.

“Picket line” – any two or more persons formed together for the purpose of making known any position or promotion of the persons, or on behalf of any organization or class of persons.

40.02 Permit Required

It shall be unlawful for any person to organize, conduct, or participate in any parade, picket line, or group demonstration in or on any street, sidewalk, alley or other public place within the town unless a permit therefore has been issued by the Town in accordance with the provision of this chapter. Penalty, see *10.10.

40.03 Requirements and Issuance of Permits

The Town Clerk or their designee shall issue permits as required in *40.02, and in the issuance thereof they shall do the following;

Request for a permit must be submitted to the Town Clerk at least 7 days before a regular meeting of the Town Council and 30 days before the requested date of the march and/or parade.

The following information is to be in the request:

- ❖ Name of organization
- ❖ Name, address and phone number of the person responsible for making the request.
- ❖ Purpose for the march and/or parade.
- ❖ Date and time for the march and/or parade to begin and end. Rain date if needed.
- ❖ Requested route.
- ❖ Approximate number of persons and units to be in the march and/or parade
- ❖ List of units to be used in the march and/or parade such as animals, vehicles and any other mode of transportation.
- ❖ A waiver must be filed, signed by the applicant requesting the permit, releasing and saving the town and its employees harmless from any claims, actions and lawsuits, arising out of the conduct of the march and/or parade.

Approval or Denial:

The council may approve or deny the request or any part of the request. The council will advise the applicant of its decision within 7 days after the council meeting. Each request stands on its own and another request can be made in accordance with the above.

Responsibility:

Upon approval and 7 days before the scheduled date, the applicant must sign a Statement of Responsibility making the applicant liable for any expenses incurred by the town for, or as a result of, the march and/or parade.

Require that the application for a permit specify whether or not minors below the age of 18 years will be permitted to participate.

Require that the application for a permit shall specify and permit shall designate the person in charge of the activity. The person shall be required to accompany the parade, picket line, or group demonstration and shall carry the permit with him at that time. The permit shall not be valid in the possession of any other person. Penalty, see *10.10.

40.04 Standards

The Town Clerk shall not issue a permit for the proposed parade if they find:

- A. The parades, picket lines, or group demonstrations are to commence before 6:00 am or terminate after 8:00 pm.
- B. The parades or group demonstrations are to be held at the same time and place as those designated in a permit issued pursuant to a written application previously received by the Town Clerk or their designee.
- C. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- D. The conduct of the parade will require the diversion of so great a number of police officers of the town to properly police the line of movement of the parade and of contiguous areas so that adequate police protection cannot be provided to the remainder of the town.
- E. The conduct of the parade will require the diversion of so great a number of ambulances so that adequate ambulance service to portions of the town not occupied by the parade and contiguous areas will be prevented.
- F. The concentration of persons, animals, and vehicles at assembly points of the parade will substantially interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to the assembly areas.
- G. The conduct of the parade is reasonably likely to result in violence to persons or property causing serious harm to the public.
- H. The parade is to be held for the primary purpose of advertising a product, good, or event, and is designed to be held primarily for private profit.
- I. The conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the Town.

40.05 Certain Activities Prohibited

The following acts or activities, when performed or undertaken in conjunction with or as a part of, any parade, picket line, or group demonstration, are hereby prohibited and declared unlawful.

1. The carrying on or about the person any firearm, or any weapon or article, including but not limited to blackjacks, nightsticks, or flashlights which by their use might constitute a deadly weapon.
2. The taking or keeping of any dog or other vicious animal, whether leashed or unleashed. Penalty, see *10.10.

40.06 Revocation of Permit

The Town Clerk and/or Chief of Police shall revoke any permit granted for a parade, picket line, or group demonstration for the violation by any participant of *40.05, or the failure of any participant to comply with the terms and conditions of the permit.

40.07 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 Town Clerk. Penalty, see *10.10

40.08 Additional Regulations Applicable to Picketing

Picket lines and picketing shall be subject to the following additional regulations:

1. Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic.
2. Not more than ten pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time.
3. Pickets may carry written or printed placards or signs not to exceed two feet in width and two feet in length promoting the objective for which the picketing is done; provided, the words used are not derogatory or defamatory in nature.
4. Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another. Penalty, see *10.10.

40.09 Exceptions

This subchapter shall not apply to funeral processions; Governmental agencies acting within the scope of their functions; or students going to and from classes or participating in educational activities under the immediate supervision of the proper school authority.

Offenses Against Public Peace and Safety

50.01 Begging Without Permit; Exception

It shall be unlawful for any person to beg on any street or in any public building unless a permit to do so has been obtained. This section is not applicable to persons soliciting for any religious or charitable organization. Penalty, see *10.10.

50.02 Solicitation

A. Prohibited Acts

1. It shall be unlawful for any person to enter upon any privately-owned premise or business without permission or invitation of the owner or occupant of such premise or business for the purpose of soliciting orders for immediate or future delivery of goods, wares, merchandise, or services, including the taking of subscriptions for magazines and the procuring of applications and contracts, without first receiving a permit issued by either the Chief of Police or Town Clerk.
2. It shall be unlawful for any person holding a permit to fail to display the permit and identification upon demand of a police officer while engaged in soliciting in town.

3. It is unlawful for persons authorized to work for a permit-holder to fail to display a copy of the permit and recognized state identification upon demand of a police officer while engaged in soliciting in the town. A person working for a permit-holder shall be listed as an authorized person on the face of the permit.
4. It shall be unlawful to conduct any business as listed in this division during the hours between 8:00 pm and 8:00 am. Penalty, see *10.10.

B. Exceptions

Charitable organizations as defined in NC General Statute 131F-2(2) and 131F-2(3), churches, schools, civic organizations and similar neighborhood associations performing fund-raising activities for their organization are exempt from the requirements of this chapter.

C. Issuance of Permit

1. The Town Clerk shall issue a permit to the applicant within five working days of filing the application if it is determined that the applicant has complied with the provisions of this chapter and proposes to engage in a lawful commercial or professional enterprise.
2. The permit will be a letter on Town of Stanfield letterhead signed by the Town Clerk. The applicant, agent or employee must carry a copy of this letter along with an approved state identification card with a photograph at all times while engaged in business. The employee or agent's name must appear on the initial application and will be included on the letter.
3. The permit and identification must be displayed upon demand of any police officer.

D. Denial or Revocation of Permit

1. Any applicant denied a permit will be mailed a letter within five working days, after making application, stating the reason for denial. Denial will be made if it is determined that provisions of this chapter have not been met or the applicant does not propose to engage in a lawful commercial or professional enterprise. Conviction of criminal offenses by the applicant or principals in the business which indicate a propensity for violence, theft, fraud or similar offenses may be cause for denial or a permit.
2. The Town Clerk or the Chief of Police may revoke a permit issued under this chapter when there is any factual basis that doing so would be in the best interest of the health, safety, welfare or morals of the public. The Chief of Police or the Town Clerk shall mail a letter to the address listed for the applicant on the application notifying them of the reason for revocation.

E. Term of Permit; Renewal

A permit shall be issued for the period of 24 hours. Upon expiration of the permit, the applicant may apply for a renewal of the permit on a form designated by the Town Clerk which shall indicate what changes, if any, have occurred since the date the original application was completed. The Chief of Police and the Town Clerk may renew the permit for an additional term not to exceed 24 hours.

F. Transfer of Permit

A permit issued under this chapter is not transferable. Penalty, See *10:10

50.03 Disturbing Church Services

It shall be unlawful for any number of persons to congregate and remain on the outside of any church or other place of public worship to the annoyance, disturbance, or inconvenience of the people worshipping on the inside. Penalty, see *10.10.

50.04 Disturbing Public Meetings

It shall be unlawful for any person to disturb any public meeting, place of public entertainment or amusement, or to disturb such a place by loud talking, whistling, using indecent language, or in any other unseemingly manner, or to willfully obstruct the entranceway to the meeting or willfully impede the ingress or egress of those seeking to attend or depart from such a place in the Town. Penalty, See *10.10.

50.05 Firearms and Fireworks

A. Regard for Safety By Persons Discharging FIREARMS

Each person discharging a firearm is responsible for exhibiting reasonable regard for the safety and property of other persons and for discharging the firearm in such a manner as to assure that all projectiles come to rest safely within the boundary or boundaries of the property or properties on which the person is authorized to be shooting.

B. Discharging FIREARMS Prohibited; Exception

1. Except as provided in division (2) of this section, it shall be unlawful for any person to discharge a firearm other than a shotgun or black powder rifle. A person discharging a shotgun or black powder rifle shall be restricted to the use of ammunition and load whose combined ballistic characteristics make it incapable of firing in excess of one thousand (1,000) feet and shall not be discharged within one thousand (1,000) feet of any of the following:

- ❖ A dwelling house;
- ❖ A school;
- ❖ A church;
- ❖ Any other type of building, while occupied;
- ❖ A public or private park or recreation area;
- ❖ Any other type of public gathering place;
- ❖ Any domestic livestock not belonging to him or her unless such person has on his or her person written permission for such activity from the owner of the livestock.

2. Division (1) of this section shall not apply to any of the following:

- a. A rifle, pistol, skeet or trap range operated by a recognized gun club or by a law enforcement agency, which firing range is substantially in accordance with specifications, as they currently exist or may hereafter be amended, promulgated by the National Rifle Association or by an equivalent nationally recognized Firearms safety authority for the type and caliber of Firearms being fired.
- b. A person target shooting on his or her own property (or on another's property if he or she has on his or her person written permission for the activity from the owner of the property) exhibiting reasonable regard for the safety and property of other person.

- c. Such person is using a backstop substantially in accordance with specifications, as they currently exist or may hereafter be amended, promulgated by the National Rifle Association or any equivalent nationally recognized Firearms safety organizations for the type and caliber of Firearms being fired; and
- d. Such person has on his or her person written permission for such activity from all persons owning any of the types of places or structures listed in division (A) of this section which are located within one thousand (1,000) feet of the target shooting activity.
- e. A person hunting with a shotgun on his or her own property (or on another's property if he or she has on his or her person written permission for the activity from the owner of the property) and exhibiting reasonable regard for the safety and property of other persons and if such person has on his or her person written permission for such activity from all persons owning any of the types of places or structures listed in division (1) of this section which are located within three hundred (300) feet of the hunting activity, or
- f. A person hunting with a center fire rifle not less than ten (10) feet from any ground level surface (i.e. from a tree stand or any other elevated climbing device) on his or her own property (or on another's property if he or she has on his or her person written permission for the activity from the owner of the property) and exhibiting reasonable regard for the safety and property of other persons and if such person has on his or her person written permission for such activity from all persons owning any of the types of places or structures listed in division (1) of this section which are located within one thousand (1,000) feet of the hunting activity.
- g. Law Enforcement officer, Animal Control officers or members of the armed forces discharging Firearms in the line of duty.
- h. Persons discharging Firearms for the purpose of shooting or killing any dangerous animal or reptile; a person discharging a firearm in self-defense.

C. Firing of Automatic FIREARMS prohibited

It shall be unlawful for any person to fire any firearm in a fully automatic mode except on a firing range operated by a recognized gun club or law enforcement agency, which firing range is substantially in accordance with specifications promulgated by the National Rifle Association or by an equivalent nationally recognized firearms safety authority for the firing of a fully automatic firearm of the type and caliber being fired. Such person firing a firearm in a fully automatic mode must have on his or her person the necessary documentation showing that the firearm is properly registered with the federal government and that the person has the proper federal license to possess such firearm.

D. Enforcement

North Carolina wildlife officers (Wildlife Protectors) are authorized to enforce the provisions of this chapter. Penalty, see *10.10.

50.06 Playing Games in Street

It shall be unlawful for any person to play ball in any manner or engage in any game of any kind calculated to damage glass windows or other property on the public streets or alleys within the Town. Penalty, see *10.10.

50.07 Soliciting Subscriptions on Street

It shall be unlawful for any person to solicit newspaper, magazine, or map subscriptions on the streets of the town without filing with the Town Clerk. Penalty, see *10.10.

50.08 Skateboards, Roller Skates, Coasters and the Like

- A. No person shall ride or use any roller skates, coaster, toy vehicle, skateboard or similar devices within the town limits on any sidewalk or main street to include Hwy 200, Big Lick Road, West Stanly Street, North and South Love Chapel Road and shall not impede nor obstruct traffic on any street at any time.
- B. No Person shall ride or drive a bicycle upon the sidewalks within the town limits.
- C. Penalty, see *10.10

50.09 Town Parks, Playgrounds, and Recreation Centers; Entering During Closed Hours Prohibited; Rule and Regulations for Operation

- A. When the Town Council has established the hours of the day the town's public parks, playgrounds, and recreation centers shall be opened and closed to the public use and shall have caused the hours of opening and closing to be posted in a conspicuous place at the respective parks, playground, and recreation centers, it shall be unlawful for anyone to go upon the premises of the parks, playgrounds, and recreation centers during the time when they are closed to the public use.
- B. When the Town Council has established rules and regulations pertaining to the use and operation of the town's public parks, playgrounds, and recreation centers, and shall have caused the rules and regulations to be posted in a conspicuous place at the respective parks, playgrounds, and recreation centers, it shall be unlawful for anyone to disobey those rules and regulations. Penalty, see *10.10.

50.10 Noise Regulated

- A. The creation of any unreasonable loud, disturbing, and unnecessary noise in the town is prohibited. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited.
- B. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section; but this enumeration shall be not 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 if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonable loud or harsh sound; and the sounding of the device for an unnecessary and unreasonable

period of time.

2. The use of any gong or siren on any vehicle other than police, fire, or other emergency vehicle.
3. The playing of any radio, phonograph, or other musical instrument in such a manner or with such volume, particularly during the hours between 11:00 pm and 7:00 am as to annoy or disturb the quiet, comfort, or repose of any persons in any dwelling, hotel or other type of residence.
4. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity.
5. The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.
6. 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.
7. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, or motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noise therefrom.
8. The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.
9. The erection (including excavating), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 am and 6:00 pm on weekdays, except in the case of urgent necessity in the interest of the public safety and then only with a permit from the Town Clerk, which permit may be renewed for a period of three days or less while the emergency continues.
10. The creation of any excessive noise on any street adjacent to any school, institution of learning while the same is in session.
11. The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in the street adjacent to church indicating that they are a Church Street.
12. The creation of loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
13. The sounding of any bell or gong attached to any building or premises which disturb the quiet or repose of persons in the vicinity thereof.
14. The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood.
15. 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, except with a permit from the Town Clerk.
16. The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising or other purposes except where specific permit is received from the Town Clerk.

17. The conducting, operating, or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 pm and 7:00 am.
18. The firing or discharging of a gun, squibs, crackers, gunpowder, or other combustible substance in the street or elsewhere for the purpose of making noise or disturbance, except by permit from the Town Clerk.
19. The maintenance and operation of radios, amplifiers, phonographs, or other mechanical instruments or device of any kind whereby the sound therefrom is cast directly upon the street or other public places, where the noise is disturbing to the public. Penalty, see *10.10.

50.11 Loitering for the Purpose of Engaging in Drug-related Activity

- A. For the purposes of this section, "Public Peace" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the Town.
- B. For the purpose of this section, a "known unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in the North Carolina Controlled Substances Act, G.S. Chapter 90, Article 5, or has been convicted of any violation of any substantially similar laws of any political subdivision of this state or any other state or federal law.
- C. It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstance manifesting the purpose to engage in a violation of any subdivision of the North Carolina controlled Substance Act, G.S. Chapter 90, Article 5. Such circumstances shall include:
 1. Repeatedly beckoning to, stopping or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation.
 2. Repeatedly stopping or attempting to stop motor vehicles.
 3. Repeatedly interfering with the free passage of other persons.
 4. Such person is a known unlawful drug user, possessor, or seller.
 5. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaging in any unlawful drug-related activity.
 6. Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money or objects.
 7. Such person takes flight upon the approach or appearance of a police officer.
 8. Such person is at a location frequented by persons who use, possess, or sell drugs.
 9. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or is known to be or have been involved in drug-related activities. Penalty, see *10.10.

50.12 Regulation of Tobacco Use in Local Municipal Buildings and on Municipal Owned Properties

Tobacco Use, including cigars, cigarettes, pipes, vaping, chewing, dipping, etc., is prohibited inside all buildings that the Town owns, operates, manages or controls and on all town owned properties except in designated areas clearly marked with signage. Penalty, see *10.10

Streets, Sidewalks and Other Real Property Interests of the Town

60.01 Permit to Dig in Streets

No person shall make any excavation or opening, or dig any ditch, trench, or tunnel, or hole in, along, across, or under any street, sidewalk, right of way, easement, or other real property owned by the Town, or other public place for any other purposes, unless a written permit therefore has been issued by the Town. A permit shall not be required where the work is performed under a contract with the Town, but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the person shall notify the Town, and/or the Police Department at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency. Penalty, see *10.10.

60.02 Application for Permit

All persons desiring a permit in order to make an opening in any street, sidewalk, right of way, easement, other real property owned by the Town shall make a written application therefore, which application shall show the location of the proposed opening, the purpose therefore, and the approximate number of square yards of surface to be cut. The application shall be accompanied by the fee required by this section. The fee required for making any opening in any street or sidewalk shall be according to a fee schedule for the permits, established by the Town Council, which is hereby adopted as though set out in full herein. Penalty, see *10.10.

60.03 City Indemnified

Any person obtaining a permit as provided for in *60.01 and *60.02 agrees, as a condition of the issuance of the permit, to indemnify and hold harmless the Town against any claims or expense, including attorney's fee, for bodily injury or property damage for accidents or occurrences arising out of the person's operations, excluding only the liability of the Town for its sole negligence except in connection with general supervision of work performed by the person. Penalty, see *10.10.

60.04 Street Repair

When any part of any street, sidewalk, alley, right of way, easement, other real property owned by the Town or other public place, of the Town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening so as to restore it to essentially the same condition that existed prior to the excavation or opening. The refilling shall be done in accordance with Town standards

and specifications. Any person, firm or corporation neglecting, refusing or failing to comply with any provisions of this section shall be guilty of a violation. Penalty, see *10.10.

60.05 Excavations; Leaving Unprotected

It shall be unlawful for any person, firm or corporation who obtains a permit under the provisions of this subchapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, right of way, easement, other real property owned by the Town or public place of the Town without placing and maintaining proper guard rails, signal lights or other warning at, in or around the excavation, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the work. Penalty, see *10.10.

60.06 Supervision and Control

All excavation and work in streets, sidewalks, alley or public places of the Town shall be under the supervision and control of the Town Council, or any person designated by the Town Council, whose duty it shall be to inspect the work from time to time during the progress thereof. Upon completion thereof, a final inspection shall be made to see that the street, sidewalk, right of way, easement, other real property owned by the Town or public place is restored to a condition as good in all respects as before the excavation or work was made or done, and that all debris, materials, tools and equipment are removed therefrom. All persons refusing or failing to comply with any provision of this section shall be in violation thereof. Penalty, see *10.10.

60.07 Streets Not to be Damaged

It shall be unlawful for any person, firm or corporation to drag or run, or cause to be dragged or run, any harrow or other implement, engine, machine or tool on any asphalt, bithulitic, warrenite or damage in any way any permanently paved street, right of way, easement, other real property owned by the Town which shall be liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street, right of way, easement, other real property owned by the Town in the same manner. Penalty, see *10.10.

60.08 Placing of Poles

No poles for electric, telegraph, telephone or other purposes shall be placed or erected in any street, right of way, easement, other real property owned by the Town without a permit therefore from the Town. Penalty, see *10.10.

60.09 Use of Poles and Conduits for City Purposes

One duct in all underground conduit systems shall be provided, free of charge, for Town police or fire alarm telegraph systems when required, and the Town shall have the use of any and all poles on streets, right of way, easement, other real property owned by the Town for the same purpose.

60.10 Barricades

- A. It shall be unlawful for any person to cross or enter any barricaded area into or on any alley or street, right of way, easement, other real property owned by the Town when the alley or street has been barricaded by any employee of the Town or pursuant to a permit issued by the Town.
- B. It shall be unlawful for any person other than an employee of the Town or employee of a person or entity holding a permit issued by the Town, to remove, tear down, alter or destroy any barricade across any street, alley, right of way, easement, or other real property owned by the Town which has been erected by the Town or pursuant to a permit issued by the Town. Penalty, see *10.10.

60.11 Obstructing Streets or Other Real Property Subject to an Interest of the Town

It shall be unlawful for any person to obstruct any street, sidewalk, alley, public road, public square, right of way, easement, other real property owned by the Town without the permission of the Town Council, or other person designated by the Town Council, or to occupy not more than one-half the width of the street while traveling. Penalty, see *10.10

60.12 Spitting, Defacing Walls, Throwing Refuse on Sidewalks

It shall be unlawful to spit on the floor or walls of the post office or other public building or deface the walls in any way, or spit on any of the sidewalks of the Town or throw trash or refuse on any sidewalk, right of way, easement, other real property owned by the Town. Penalty, see *10.10.

60.13 Encroachments

- A. Encroachment means all items of privately owned personal property affixed, connected attached, abandoned or fastened to or upon any public street, sidewalk, right of way, easement, or other real property owned by the Town.
- B. The Mayor or any other person designated by him in writing is authorized but not required to execute right of way encroachment agreements with persons, firms or corporations seeking to use rights of way originally obtained for the benefit of the town. This authority shall not be interpreted as conferring any right, title, or interest of the town to the person, firm or corporation seeking the encroachment against the interest of the owner of the subservient real property.

Parking Regulations

70.01 Parking Within Parking Space

All vehicles shall be parked completely inside marked spaces and shall not extend over the parking lane into the traffic lane or extend the front or rear of the vehicle beyond the starting or ending marks of the space into the adjacent parking space or maneuvering space.

Adopted August 5, 1993.

70.02 Standing or Parking Close to Curb

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided in this chapter.

70.03 Angle Parking

Upon those streets which have been marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings.

70.04 Lights on Parked Vehicles

Any lighted headlamps on a parked vehicle shall be depressed, dimmed or turned off. The displaying of lights on a vehicle, when lawfully parked at night on a street, shall not be required when there is sufficient light to reveal any person within a distance of 200 feet from the street.

70.05 Stopping in Street

It shall be unlawful for the driver of any vehicle to stop the vehicle in or on any street, except for the purpose of parking as provided in this chapter, unless the stop is necessary by the approach of fire apparatus; by the stopping of a public conveyance; by the reason of traffic signals, in the exercise of the rights of turning at an intersection or upon entering an intersection; by the passing of another vehicle; for a pedestrian, by reason of any emergency, or by order of a police officer.

70.06 Stopping, Standing or Parking Prohibited

- A. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:
1. On a sidewalk
 2. In front of a public or private driveway
 3. Within an intersection
 4. Within 15 feet of a fire hydrant
 5. On a crosswalk
 6. Within 12 feet of a crosswalk at an intersection unless signs or markings indicate a lesser distance
 7. Within 30 feet upon the approach of any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
 8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length
 9. Within 50 feet of the nearest rail of a railroad crossing. However, where permanent structures are located closer than 50 feet, parking is permitted in

- front of the structures unless otherwise prohibited and if the parked vehicle will not block the view in either direction of locomotive or train
10. Within 20 feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance
 11. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic
 12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street
 13. On a bridge or other elevated structure on a highway or within a highway tunnel
 14. At any place where official signs prohibit stopping
 15. On any part of the paved portion of any street, the width of the paved portion of which is 18 feet or less
- B. No person shall move a vehicle, not lawfully under his control, into any prohibited area or away from a curb the distance as is unlawful.

70.07 Parking Parallel to Curb

In residential areas and other areas where parking spaces are not marked on the pavement and not designated as no parking zones, all vehicles shall be parked parallel to the curb or the edge of the pavement as far to the right of the center line as possible, leaving at least 22 feet of clear unobstructed roadway for the safe passage of other vehicles. At no time may a vehicle be parked directly across the street from another vehicle unless there will be 22 feet of roadway open between the two vehicles.

70.08 Parking in Alleys

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway from the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley, in such a position as to block the driveway entrance to any abutting property.

70.09 Displaying, Washing, Repairing or Storing Vehicles

It shall be unlawful for any person to stand or park a vehicle on any street for the principal purposes of the following:

- A. Displaying for sale
- B. Weighing, greasing or repairing the vehicle, except repairs made necessary by a bona-fide emergency
- C. Storing by garages, dealers or other persons when the storing is not incident to the bona-fide use of the operation of the automobile or other vehicle
- D. Storing of any detached trailer or van when the towing unit has been disconnected
- E. Transferring merchandise or freight from one vehicle to another
- F. Advertising

70.10 Standing or Parking on One-Way Roadways

In the event a highway includes two or more separate roadways and traffic is restricted to one direction on either roadway, no person shall stand or park a vehicle on the left-hand side of

the one-way roadway unless signs are erected to permit the standing or parking.

70.11 Hazardous or Congested Places

When official signs are erected at hazardous or congested places, no person shall stop, stand, or park a vehicle in the designated place.

70.12 Moving Vehicle of Another to Prohibited Place

No person shall move a vehicle not owned or controlled by that person into any prohibited area, or sufficiently away from a curb to make the parking unlawful.

70.13 Prohibited Parking at All Times on Certain Streets

When signs are erected giving notice thereof, no person shall park a vehicle at any time on any of the streets described as such.

70.14 Prohibited Parking at Certain Times on Certain Streets

When signs are erected giving notice thereof, no person shall park a vehicle during prohibited times on any of the streets described as such.

70.15 Limited Parking on Certain Streets

When signs are erected giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or on any of the streets described as such.

70.16 Parking by Handicapped Persons

When signs are erected giving notice of a handicapped person parking space, all persons other than those persons handicapped as defined in G.S. 20-37.5 are prohibited from parking a vehicle in any parking space described as such.

Loading and Unloading

70.17 Permits for Loading or Unloading at Angle to Curb

The Chief of Police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit. The permit may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to the person the privilege as therein stated and authorized herein. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of the permit.

70.18 Loading and Unloading Zones

Whenever vehicle loading and unloading zones are designated and described by this chapter, and when signs are placed, erected, or installed, giving notice thereof, it shall be unlawful for any person to stop, stand or park any vehicle for any purpose or period of time except in accordance with the requirements of this chapter.

70.19 School Loading Zones

The streets, or parts thereof, designated as school zones regulations are: No person shall

stop, stand, or park a vehicle therein for any purpose other than the expeditious loading or unloading of school passengers, and then only for a period not to exceed ten minutes.

70.20 Commercial Loading Zones

The streets and parts thereof, designated as commercial loading and unloading zones are regulated that no person shall stop, stand or park a vehicle therein during the hours of 7:00 am to 6:00 pm except on Sundays or holidays, for any purpose other than the expeditious unloading and delivery or pick-up and loading of materials and goods, and then only for a period not to exceed 15 minutes.

Administration and Enforcement

70.21 Parking Signs Required

Whenever by this or any other chapter, any parking time limit is imposed or parking is prohibited in designated streets, there shall be appropriate signs giving notice thereof. No parking regulations shall be effective unless the signs are erected and in place at the time of any alleged offense.

70.22 Notice of Illegal Parking: Duty of Police

If any vehicle shall be found parked in violation of any of the provisions of this ordinance, it shall be the duty of the Chief of Police or other police officers of the town to attach to the vehicle a notice to the owner or operator thereof, if the owner or operator is absent or to deliver to the owner or operator, if he is present, a notice to the effect that the vehicle has been parked in violation of a provision of this ordinance and directing the owner or operator to report to the town office in regard to the violation.

70.23 Operator to Comply with Ordinance: Effect of Proof of Ownership

The person actually operating or in control of the operation of the vehicle at the time that the vehicle is parked shall be charged with the duty of complying with the provisions of this ordinance; provided, that proof of ownership of any vehicle found parked in violation of this ordinance shall be prima-facie evidence that the owner parked the vehicle.

70.24 Impoundment

- A. Police officers are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department or otherwise maintained by the city, under the circumstances enumerated below:
 1. When any vehicle is left unattended on any bridge, viaduct or causeway, or in any other place where the vehicle constitutes an obstruction to traffic
 2. When a vehicle on a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

3. When any parked vehicle is left unattended on a street and is parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic.
- B. Whenever an officer removes a vehicle from a street as authorized in division (A) above, and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the officer shall immediately give or cause to be given notice to the owner of the fact of the removal and the reasons therefore and of the place to which the vehicle has been removed.

70.25 Penalty

An owner or operator of a vehicle may, within 5 days from the time the notice referred to in 70.22 was attached to the vehicle or delivered to the owner or operator, pay to the town, as a civil penalty for the offense indicated in the notice, the sum of \$10.00, with the exception of handicapped parking violations being the sum of \$25.00. Failure of the owner or operator of the vehicle to appear and pay the penalty within 5 days shall subject the offender to the penalties provided in G.S. 14-4 (b).

Privilege License Ordinance

The Town of Stanfield requires all businesses within the corporate limits of the town to possess a current Privilege License as all businesses must be approved per Stanfield's Zoning Ordinance. This applies to the business district as well as customary home occupations. A license must be applied for prior to opening or starting a new business and must be renewed by December 31st of each year. No fee or tax is levied on Privilege Licenses.

Ordinance – 2009 #4 Sept

Town of Stanfield Golf Cart Ordinance

Section 1. Policy Statement

This Ordinance is adopted in the interest of public safety. Golf carts, hereinafter "cart(s)", are not designed or manufactured to be used on public streets and roads, hereinafter "street(s)", and the Town of Stanfield in no way advocates or endorses their operation on streets. The Town, by regulating such operation is merely addressing safety issues. This Ordinance is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this Ordinance. All persons operating golf carts must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride carts on streets inside the Town of Stanfield do so at their own risk and peril. The Town of Stanfield has no liability under any theory of liability, for permitting carts to be operated on streets under the special legislation granted by the State Legislature but governed by this Ordinance.

Section 2. Rules and Regulations

Carts may only be operated on streets within the Town of Stanfield in accordance with the

following rules and regulations.

- 1- Any person who operates a cart in the Town of Stanfield takes full responsible for all liability associated with operating the cart.
- 2- Any person who operates a cart must be at least sixteen (16) years of age or older.
- 3- Carts may be driven on streets only from dawn to dusk, unless the cart is equipped with manufactured headlights, turn signals, and brake lights that have been approved by the Chief of Police.
- 4- Carts may only be driven on streets inside the Town of Stanfield with a posted speed limit of 25 mph or less or marked golf cart crossings. All other areas of the Town limits are prohibited.
- 5- Carts must be equipped with a rear vision mirror and at least two rear reflectors. Red rear reflectors must be at least three (3) inches in height and at least three (3) inches in width.
- 6- Any person who operates a cart on the streets in the Town of Stanfield must adhere to all applicable State laws, concerning the possession and use of alcoholic beverages, and all other illegal drugs, as well as all other state traffic laws.
- 7- Cart drivers must yield the right-of-way to overtaking vehicles, at all times.
- 8- (a) The maximum occupancy of carts traveling on streets will be one person per bucket seat or two people per bench seat.
(b) Children must be properly seated while cart is in motion and may not be transported in a negligent manner.
- 9- Carts are not allowed to be driven on any sidewalks in the Town of Stanfield, unless otherwise designated by proper signage approved by the Town Council.
- 10- Carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking sticker.
- 11- All carts operated on the streets must have a valid permit sticker from the Stanfield Police Department. A yearly fee of fifteen dollars (\$15.00) per cart will be charged by the Stanfield Police Department for this permit sticker and to cover the costs of implementing and maintaining this Ordinance. The Stanfield Police Chief retains the right to refuse to issue and/or revoke any permit sticker from any cart at any time for any reason that he/she feels is appropriate to ensure the safety and well being of the citizens of the town of Stanfield.
- 12- Golf Cart owners must complete the attached registration form. The completed forms will be maintained by the Stanfield Police Department. The Stanfield Police Department will issue visible proof of compliance that must be attached to the driver's side of the cart.
- 13- Any act constituting a violation of this Ordinance or failure to comply with any of its requirements shall subject the offenders to civil penalty of twenty-five dollars (\$25.00), plus the court costs and attorney fees incurred by the Town. If the offenders fail to pay the penalty within ten (10) days of receiving final written notice of violation, the penalty may be recovered by the Town in a civil action in the nature of debt. Repeat offenders may have the privileges granted by this Ordinance revoked by the Stanfield Police

Chief and/or the Town Council.

14-In all cases the Stanfield Police Chief and/or the Town Council, and/or their designee must approve the use of carts on streets in the Town of Stanfield.

15-The above fees and requirements may be waived for a temporary time frame (up to five days) by the Stanfield Police Chief and/or the Town Council or their designee for events being held within the Town of Stanfield.

16-Stanfield Police Department's interpretation of above rules and regulations are final.

Ordinance – 2010 #1 April

**AN ORDINANCE PROVIDING FOR THE REMOVAL
AND DISPOSITION OF ABANDONED, NUISANCE
AND JUNKED MOTOR VEHICLES IN THE
TOWN OF STANFIELD, NORTH CAROLINA**

WHEREAS, the Board of Commissioners of the Town of Stanfield is authorized by G.S. 160A-193, G.S. 160A-303 and G.S. 160A-303.2 to regulate, restrain or prohibit abandoned, nuisance and junked motor vehicles on public and private property within the Town's ordinance making jurisdiction; and

WHEREAS, the Board of Commissioners of the Town of Stanfield finds it necessary and desirable to promote or enhance:

The quality of urban attractiveness and aesthetic appearance of the Town;

- (1) The protection of property values throughout the Town;
- (2) The preservation of the livability and attractiveness of neighborhoods;
- (3) The promotion of tourism, conventions, and other opportunities for economic development for the Town;
- (4) The attractiveness of the Town's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the Town and;
- (5) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Stanfield, North Carolina as follows:

Section 1. Administration

The Zoning Administrator of the Town shall be responsible for the administration and enforcement of this ordinance and shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the Town, and on property owned by the Town. The Zoning Administrator shall be responsible for administering the removal and disposition of "abandoned", "nuisance" or "junked motor vehicles" located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this ordinance shall be construed to limit the legal authority or powers of officers of the Town police department and fire department in

enforcing other laws or in otherwise carrying out their duties.

Section 2. Definitions

For the purpose of this ordinance, certain words and terms are defined as herein indicated:

- A. Abandoned vehicle. As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that:
 - (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
 - (2) Is left on a public street or highway for longer than seven (7) days; or
 - (3) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
 - (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- B. Authorizing official. The Zoning Administrator designated to authorize the removal of vehicles under the provisions of this ordinance.
- C. Motor vehicle or vehicle. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.
- D. Junked motor vehicle. As authorized and defined in G.S. 160A-303.2 the term, junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that;
 - (1) Is partially dismantled or wrecked; or
 - (2) Cannot be self propelled or moved in the manner in which it originally was intended to move; or
 - (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).
- E. Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
 - (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
 - (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
 - (3) A point of collection of pools or ponds of water; or
 - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
 - (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
 - (6) So situated or located that there is danger of it falling or turning over; or
 - (7) One which is a point of collection of garbage, food waste, animal waste, or other rotten or putrescible matter of any kind; or
 - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or

- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

Section 3. Abandoned vehicle unlawful; removal authorized.

- A. It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.
- B. Upon investigation, proper authorizing officials of the Town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Section 4. Nuisance vehicle unlawful; removal authorized.

- A. It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- B. Upon investigation, the Zoning Administrator may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Section 5. Junked Motor Vehicle regulated; removal authorized.

- A. It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- B. It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- C. It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements of this section.
- D. Subject to the provisions of subsection (E), upon investigation, the Zoning Administrator may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness and emotional stability of area residents.
- E. Permitted concealment or enclosure of junked motor vehicle:
 - (1) One junked motor vehicle, in its entirety, can be located in the rear yard as

defined by the Town's Zoning Ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The Zoning Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.

- (2) More than one junked motor vehicle. Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicles(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.
- (3) Enclosed, antique, registered and certain other vehicles exempt. The provisions of this Part shall not apply to vehicles located on used car lots, in private garages, enclosed parking lots, or on any other parking area on private property which is not visible from any public street or highway, nor to motor vehicles classified as antiques and registered under the laws of the State of North Carolina, those not required by law to be registered, or those in possession of a salvage yard as defined in G.S. 20-137.7, unless that vehicle presents some safety or health hazard or constitutes a nuisance. (1973, c. 720, s.1.).

Section 6. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

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

With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle

that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Board of Commissioners, and further proceeding to remove the vehicle shall be postponed until the appeal is heard and decided.

Section 7. Exception to prior notice requirement

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such finding shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- A. Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Board of Commissioners hereby determines that immediate removal of such vehicles may be warranted when they are:
 - (1) Obstructing traffic,
 - (2) Parked in violation of an ordinance prohibiting or restricting parking,
 - (3) Parked in a no-stopping or standing zone,
 - (4) Parked in loading zones,
 - (5) Parked in bus zones, or
 - (6) Parked in violation of temporary parking restrictions imposed under code sections.
- B. Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing entrances or exits to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Section 8. Removal of vehicles; post-towing notice requirements.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracted to perform such services for the town. Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

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

The Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

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

Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

Section 9. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district judge to receive such hearing requests. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-222, as amended.

Section 10. Redemption of vehicle during proceedings.

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

Section 11. Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such vehicle shall be carried out in coordination with the Town and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

Section 12. Conditions on removal of vehicles from private property.

As a general policy, the Town will not remove a vehicle from private property if the owner, occupant, or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the Town from private property without a written request of the owner, occupant, or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Zoning Administrator. The Town may require any person requesting the removal of an

abandoned, nuisance or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal of the storage, or sale thereof.

Section 13. Protection against criminal or civil liability.

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

Section 14. Exceptions.

Nothing in this ordinance shall apply to any vehicle: (1) which is located in a bona fide “automobile graveyard” or “junkyard” as defined in N.C.G.S. 136-143, in accordance with the “Junkyard Control Act”, N.C.G.S. 136-141, et seq.; (2) which is in an enclosed building; (3) which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Section 15. Unlawful removal of impounded vehicle.

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

***Town of Stanfield Delinquent
Wastewater Fees Collection Ordinance***

Adopted May 5, 2011

WHEREAS, the Town of Stanfield, created a public enterprise to support the Stanfield Wastewater Program; and

WHEREAS, House Bill 1736 was created by the North Carolina General Assembly to permit the Town of Stanfield to collect any delinquent wastewater fees in the same manner as it may collect delinquent personal and real property taxes; and

WHEREAS, the Town of Stanfield believes that this Ordinance to permit the creation of a lien for any delinquent wastewater fees will increase collection rates for the utility and will thereby permit lower overall fees to be imposed.

NOW THEREFORE, BE IT ORDAINED that the Council for the Town of Stanfield does adopt the following:

Section One: Delinquent fees may be collected in the same manner as delinquent real property taxes. Interest charges on delinquent fees shall be collected in like manner. Accordingly, the tax collector shall proceed to collect such fees and interest by use of any remedy allowed for under Chapter 105, Article 26 of the North Carolina General Statutes. This includes, but is not limited to, the North Carolina State Debt Setoff Program as set forth

in Chapter 105A, Article 1 and procedures for attachment and garnishment as designated by N.C.G.S. 105-368.

Section Two: The creation of tax liens as a remedy for delinquent wastewater fees is hereby authorized as specified in House Bill 1736. This authorization includes all actions reasonably associated with the creation of tax liens, including but not limited to, the advertisement of unpaid fees.

Section Three: Within 10 days of receipt of a delinquency notice, any person who wishes to appeal the notice shall notify the Town Administrator or his designee in writing of his or her intent to appeal the assessment. The Town Administrator or his designee shall review the materials presented and issue a written decision to the appellant within 30 days of receipt of the appeal. If the appellant wishes to appeal the Town Administrator's decision, said appeal shall be made in writing within ten days of the Administrator's decision, and shall be presented to the Town Clerk. The appeal from the Town Administrator's decision shall be made to the Town Council at the next regularly scheduled meeting after the appeal is received. All decisions by the Council are final.

ADOPTED OCTOBER 6, 2011

AN ORDINANCE CHANGE TO A CODE ADOPTED OCTOBER 1, 1992, SPECIFICALLY CODE 10.09 Section 5. (a) (Rules for Operation of Game Rooms)

THAT, WHEREAS, the Board of Commissioners of the Town Of Stanfield adopted an ordinance dated October 1, 1992, specifically Code 10.09 (Game Rooms); and **WHEREAS,** the General Statutes of the State of North Carolina authorize the Town to adopt such Ordinances as it deems necessary to protect the health, safety and welfare of the Town and the Board wishes and finds it necessary to update and change the Code 10.09 Section 5 (Rules for Operation of Game Rooms):

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Stanfield, North Carolina that:

- (1) Delete in its entirety Code 10.09 Section 5 (a) under Rules and Operation of Game Rooms.
- (2) Replace with, Code 10.09 Section 5 (a) under Rules and Operation of Game Rooms with the following:

All game rooms shall be closed between 2:00 am and 7:00am Monday through Saturday except Sunday in which Code 10.09 Section 5 (c) shall apply to hours of operation.

Stanly County Animal Ordinance

Adopted by Town of Stanfield June 27, 2013

Copy link below to internet address bar:

<http://www.stanlycountync.gov/animal-control/>

Ordinance 2014 #2 March

Comprehensive Water & Sewer Policies

This Ordinance supersedes any previous ordinances, resolutions, meeting minutes, schedules, etc.

Water and Sewer System Connection Policy - The owner of any lot(s) or parcel(s) to be developed for single family residences located within the town limits, and where the structure is within 250 feet of the water distribution line or sewer collection line operated by the Town of Stanfield, and where any property split is exempt from the definition of subdivision found in the Town's Subdivision Ordinance are required, at the property owner's expense, to connect such facility directly with the Town's water and sewer lines.

All subdivisions and all property to be developed, located within the town limits, are required at the developer's or property owner's expense, to connect the proposed development to existing utilities operated by the Town of Stanfield. There is no maximum or minimum distance for extensions to the Town's water and sewer lines. All prospective customers must request service from the Town, be approved for service by the Town, submit engineering plans as requested, pay all fees required by the town, and meet all installation requirements. Developments requesting service from the Town lines must install system to Town engineer's requirements and, upon completion, turn system, including meter, over to the Town.

If water and/or sewer lines are not located within 250 feet of residential developments not meeting the definition of "subdivision" or if water and/or sewer utilities are not reasonably available to a proposed development, the property owner may request an extension(s). The decision to extend sewer and/or water utilities is at the sole discretion of the Board of Commissioners.

In the alternative, a property owner may request that the Town participate in the extension of Town utilities. Extension may be based on pro rata shares according to the percentage of use by each participating party. The Town Board of Commissioners may request that the Town Engineer draw up plans and specifications. All extensions shall be considered as capital projects and reviewed and scheduled as a part of the Town's annual budget process, or by a budget amendment. The decision to extend sewer and/or water utilities is at the sole discretion of the Board of Commissioners.

The Town may, at its option, refuse water or sewer connection to any customer if (i) the Town does not have the capacity to provide the requested service, or (ii) the potential customer's wastewater will not meet the Town's contractual obligation to pre-treat certain wastewater discharges as required by the US Clean Water Act, or (iii) the Town Board of Commissioners does not find a request for capital improvements or allocate previously budgeted funds for the proposed improvement(s).

Definitions

- **Certificate of Zoning Compliance** – A certificate that is issued to validate Zoning Compliance for any new construction. This certificate can only be issued after all past due charges for water or sewer are paid and, for new construction, all applicable fees and charges for the new service are paid in full.
- **Water Tap Fee** – A fee as per the approved schedule charged to new customers. Fee is to recover costs associated with the actual connection to the system to include labor, material, and equipment needed to make the actual tap to the main water line and terminating in a meter box and other system costs. This tap does not include providing or installing required valves and piping from meter box to end user.
**** See rate sheet for fee and water tap classification**
- **Impact Cost** – A cost that is imbedded in the tap fee to offset the capital cost of the existing system infrastructure such as piping, pumps, etc.
- **Sewer Tap Fee** – A fee as per the approved schedule charged to new customers, to recover costs associated with the actual connection to the system and other system costs. This includes labor, material, and equipment needed to make the actual tap to the main sewer line and stubbed out for owner/contractor connection. This tap does not include providing or installing required valves, pumps, piping and wiring from sewer tap to end user. **** See rate sheet for fee and sewer tap classification**
- **Water Connection Fee** – The charge as per the approved schedule for initial water service or reconnection as required due to disconnection of service.
- **Sewer Availability Assessment Charge** – A charge as per the assessment for individual properties within the town limits that have sewer lines and are available for immediate connection or for future development on the property. The assessment is as shown on the approved rate schedule.
- **Sewer Disconnection Fee** – The charge as per the approved schedule for disconnection of sewer service for non-payment.
- **Sewer Reconnection Fee** – The charge as per the approved schedule for sewer reconnection after disconnection of service for non-payment.
- **Security Deposit** – A fee as per the approved schedule charged to new sewer or water customers to ensure payment of final bill.
- **Late penalty** – A fee as per the approved schedule charged for late payment of either water or sewer bills as of a certain date and is applied to current bill only.
- **Irrigation Tap** – A fee as per the approved schedule charged for a new water tap into the existing tap lines for the original service.
- **Water Meter Tampering Charge** – A fee as per the approved schedule charged for illegal meter tampering.
- **Water Meter Testing Fee** – A charge as per the approved schedule charged if a meter is found working properly after three tests requested by customer.
- **Road Punch Fee** – A fee as per the approved schedule charged to the new customer for any required road punch for either water or sewer service to connect from the system line to the owner's property.

- **Road Bore Fee** – A fee that is negotiated for a contracted price to bore under a road for either water or sewer service from the system line to the owner’s property.
- **Grinder Pump and/or pit cleanout Fee** – A charge passed on to the customer for damage to the grinder pump and/or associated equipment in the housing pit due to improper disposal of matter not conducive to grinder pump operations (see town fact sheet). A customer may also be charged for cleaning out grease and other improper waste from the pit. The charge amount for Grinder pump cleanout of improper waste disposal e.g. grease & oil, cat litter, diapers, wipes, cloth, rags, plastic objects, etc, is as per approved schedule. Replacement of grinder pump (new) due to improper waste disposal is as per approved new grinder pump charge.
- **Administration Fee** – The charge as per the approved schedule for administrative costs such as billing, stamps, etc., for each utility account.
- **Sewer Transmission Fee** - The charge as per the approved schedule for maintenance and improvements to the jointly owned (Stanfield & Locust) transmission line running down Big Lick Road.
- **Water Rate** – The charge as per the approved schedule for quantity of water used.
- **Sewer Rate** – The charge as per the approved schedule for quantity of sewer billed based on the corresponding water usage or flat rate.
- **Engineering Fee** – All engineering costs incurred by the town will be passed through to the customer. This includes applications, permits, engineering reviews, etc.

GENERAL CUSTOMER BILLING POLICY

Policy

- Water Bills are the responsibility of the applicant (renter or owner)
- Sewer Bills are the responsibility of the property owner; Town does not bill renters for sewer service
- All past due charges and new required fees for either or both water and sewer systems must be paid before any Business Licenses and Zoning Compliance Permits/Approvals are issued.
- The town’s administrative staff will make every reasonable effort to collect all past due accounts in accordance with applicable North Carolina laws, Town Ordinances and Resolutions.
- No refunds for any of the fees will be paid unless specific approval to do so is given by the Town Board of Commissioners.
- All new Subdivisions will be in accordance with the Zoning & Subdivision Ordinance and as approved by the Town Board of Commissioners.

Clarification of Past Charges/Fees Collected

Over the years, numerous grants and opportunities for various reasons have permitted individual property owners to prepay for either water or sewer taps and capacity fees. The following is applicable to those situations:

- **Water Taps**

Many taps are placed during construction for the convenience of the Town. Only taps that were prepaid during the construction phase are considered paid in full and this record is kept in Town Hall. These records are the determining factor regarding any prepayment. The Tap paid determination is assigned to the property, not individuals. It is the new customer's responsibility to run all lines and install any necessary equipment to ensure the new line to the tap is code compliant. An inspection must be arranged by the customer with Stanfield Public Works Department before any connection will or can be made. The prepaid tap fee or new tap fee as per schedule does not include any cost for road bores or punches. See prevailing fee schedule for this cost.

- **Sewer Taps**

Many sewer taps were prepaid and assigned to the property. The circumstances, equipment and considerations varied over the years. All prepaid sewer taps were inclusive of any capacity fees.

Grinder pumps were provided on some properties and thus considered paid under the prepaid sewer tap fee for those properties with a pump installed (note: Over the years many grinder pump pits have had the pumps removed. If a pit is on site, the grinder pump is considered paid for and must be replaced). Some electrical apparatuses associated with the grinder pumps were also installed during the construction process and thus considered part of the prepaid fee also. For properties that have prepaid the sewer tap fee and require a grinder pump, refer to the applicable fee schedule that must be paid by the customer for the grinder pump. Any electrical installation for the new pump is the responsibility of the customer. The customer is responsible for all associated plumbing to the home/business and new line installation from the pump and to the pit or tap connection point.

- **Owner Equipment Specifications**

Owner equipment specifications will be provided to each customer after engineering review of requested tap. These specifications must be followed. (It is recommended that the equipment be bought via the town as per schedule) Cost and installation of all required pumps, valves, pits, piping, and wiring are the total responsibility of the landowner. Following installation and review, the Town will assume operation and maintenance of grinder pumps and/or valve pit bodies.

- **Owner Responsibility**

- Maintain and keep in good working order all piping, valves and accessories from the meter, valve, or pump assembly.
- Prevent use which may damage system including discharge of hazardous waste, chemicals, or any solids that may stick and/or clog Town operated systems.
- Cost to repair will be paid by the owner. See schedule for costs associated with improper waste disposal.
- Pay monthly bill on time along with any back charges due to repairs made by the Town.

○ **Town Responsibility**

- Provide water and/or sewer service as may be available, provided monthly bill is paid on time.
- Provide routine maintenance and repair on Town owned utility systems. Provide bills and collect fees.
- Town responsibility may be provided by town employees or other agreements as decided by the Town.

Damage to sewer system components - customers that willfully destroy or damage grinder pumps installed to collect and pump sewer waste into the sewer collection system will be charged for the repairs to the grinder pump and other ancillary services, e.g., commercial pump truck, when it can be clearly identified and documented that the failure was due to excessive grease, bulk items, such as rags, sand and grit or other items, that should not be flushed or poured into drains that are connected to the sewer system. The Town Administrator shall be presented the documentation and a cost breakdown to repair the pump for approval. The approved schedule shall be used when charging any customer under this section.

Order of Utility Billing Payments – Payments made to the Town and utility deposits shall be applied to utility accounts in the following order of priority: Late fees and/or penalties; miscellaneous; roll-out fee; sewer charges prior; sewer charges current; water charges prior; water charges current.

Payments of Fees and Charges; Disconnection for Noncompliance

- A. Any person using the utility system hereby contracts with the Town to comply with this ordinance and to pay all required permits, fees, and charges as required by Town laws, ordinances, policies and resolutions.
- B. Town residents and users of the Town sewer system are required to pay for their sewer service by a date specified on their utility system bill. Failure to pay a bill by its due date will result in the addition of a delinquency fee added to the amount past due on the sewer bill. The delinquency fee and the past due sewer bill amount must be paid in full to the Town for the customer's sewer account to be considered current. Failure of the customer to pay the full amount of the delinquency fee will be treated in the same manner as the sewer bill being past due for the customer's next sewer bill and grounds for the sewer service interruption by the Town, if not paid in full in the subsequent sewer bill. Any account with a balance of more than \$50 past due is subject to disconnection of service.
- C. Delinquent sewer accounts are subject to disconnection of sewer services at the customer's expense at any time, in the discretion of the Town Administrator or her designee.
- D. The Town will charge trip charge, sewer disconnection and sewer reconnection fees, as appropriate and per current fee schedule, when disconnection of service occurs.

**Town of Stanfield
Cross Connection Control Ordinance**

Article I. The purpose of this cross connection control ordinance is:

1. To protect the public potable water supply of the Town of Stanfield from the possibility of contamination or pollution, due to back-siphonage or backpressure, by isolation within the consumer's private water system such contaminants or pollutants, which could backflow into the public water system.
2. To define the authority of the Town of Stanfield as the water purveyor to eliminate all hazardous cross-connections, new or existing, within its public water system.
3. To provide a continuing inspection program of cross connections, which may be installed in the future.

Article II. The Town of Stanfield has responsibilities as follows:

1. The Town of Stanfield Public Works Department will be primarily responsible for preventing any contamination or pollution of the public water system. This responsibility begins at the point of origin of the public water supply and includes all of the public water distribution system, and ends at the service connection under the Safe Drinking Water Act. The Public Works Department shall exercise vigilance to ensure that the consumer/customer has taken the proper steps to protect the public potable water system.
2. When it has been determined that a backflow protection assembly is required for the prevention of contamination of the public water system, the Public Works Director shall notify the owner, in writing, of any such building or premises to correct, within a time set by this article, any plumbing installed or existing that is in violation of this article.
3. After surveying the private water system, the Public Works Department will select an approved backflow prevention assembly required for contaminant control to be installed at the service entrance.
4. Prior to the installation of any backflow prevention assembly, the owner of the private water system must be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. Under such circumstance, the customer must understand and assume all liability and responsibilities for that phenomenon.

Article III. The customer has responsibilities as follows:

1. The customer has the responsibility of preventing contaminants and pollutants from entering the customer's private water system or the public water system operated by the Town of Stanfield. The customer, at his own expense, shall install, operate, and maintain all backflow prevention assemblies specified within this article.
2. If a tenant customer does not maintain the private water system and has no authority to bring the system into compliance with the provisions of this ordinance, the Town of

Stanfield may assert any available action against the tenant to assure the private water system is brought into compliance with this article.

Article IV. Definitions

Unless the text specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

1. **Air gap separation** – An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water from any source to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. An approved air gap separation shall be at least double the diameter of the supply pipe. In no case shall the air gap separation be less than one (1) inch. An approved, air gap separation is an effective method to prevent backflow and shall be considered as a backflow prevention assembly.
2. **Atmospheric vacuum** – A device used to prevent back-siphonage, which is designed so as not to be subject to static line pressure.
3. **Backflow** – Any reverse flow of water, gas or any other liquid substance or combination into the public water system from any source due to an unprotected cross-connection.
4. **Backflow prevention administrator** – An employee of the town designated by the director to administer and enforce the provisions of this article.
5. **Backflow prevention assembly** – An assembly that has been investigated and approved by the Town of Stanfield Water Resources and has been approved to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California.
6. **Back pressure** – Any elevation of pressure in the downstream piping system caused by pumps, elevation of piping, or steam and/or air pressure above the supply pressure at the point of consideration, which would cause a reversal of the normal direction of flow.
7. **Back siphonage** – A reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.
8. **Certified Tester** – Any individual person who has proven his/her competency to test, repair and overhaul backflow prevention assemblies. This person must hold a certificate of completion from a certified training program in the testing and repair of backflow prevention assemblies and cross connection control.
9. **Consumer/customer** – Any person, firm, or corporation using or receiving water from the Town of Stanfield public water system.
10. **Containment** – The prevention of backflow from a private water system by an approved, properly functioning backflow prevention assembly, which is installed, operated and maintained in accordance with the provisions of this article.

11. **Contamination** – An impairment of the quality of the water to a degree, which creates an actual hazard to the public health through poisoning or through the spread of disease.
12. **Cross connection** – Any actual or potential connection or piping arrangement between a public or a consumer’s potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluids, gas or substance which could be harmful or hazardous to the potable water system.
13. **Double check valve assembly** – An assembly composed of two (2) single, independently acting, approved check valves, including tightly closing shut-off valves located at each end of the device and suitable connections for testing the water tightness of each check valve.
14. **Dual check valve** – A device composed of two (2) single, independently acting, approved check valves. This is classified as a device and cannot be in-line tested.
15. **Hazard-degree** – The evaluation of a hazard within a private water system as moderate or high.
16. **Hazard-high** – An actual or potential threat of contamination to the public water system or to a customer’s potable water system that could cause serious illness or death.
17. **Hazard-imminent** – An actual threat of contamination to the public water system that could cause serious illness or death.
18. **Hazard-moderate** – An actual or potential threat of damage to the physical components comprising the public water system, or of pollution to the public water system, or to a customer’s potable water system.
19. **Pollution** – An impairment of the quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.
20. **Potable water** – Water from any source, which has been approved for human consumption by the appropriate agency of the State of North Carolina, Town of Stanfield, and/or local agencies.
21. **Pressure vacuum breaker** – an assembly suitable for continuous pressure, to be used to provide protection against back-siphonage.
22. **Private water system** – Any water system located on the customer’s premise, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.
23. **Public water system** – The potable water system owned and operated by the Town of Stanfield. This system includes all distribution mains, lines, pipes, connections, storage tanks, and other facilities conveying potable water from the water treatment plants to the service connection of each customer.
24. **Reduced pressure zone assembly** – An approved, properly functioning, assembly containing two, independently acting, check valves with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check

valves and at the same time below the first check valve. The assembly must include properly located test cocks and tightly closing shut-off valves at each end of the assembly. This assembly is designed to protect against a high hazard.

25. **Service connection** – The terminal end of a service connection from the public potable water system, i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system.
26. **Used water** – Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.
27. **Water purveyor** – Owner or operator of a public potable water system providing an approved water supply to the public.
28. **Water supply-auxiliary** – Any water supply on or available to the customer's premises other than the purveyor's approved public potable water supply. The auxiliary water may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., and used or objectionable.
29. **Water supply-unapproved** – Any water supply which has not been approved for human consumption by the North Carolina Department of Human Resources.

Article V. Right of Entry Authorization

1. Any authorized representative from the Town of Stanfield shall have the right to enter any building, structure, or premises during normal business hours to perform any duty imposed upon him/her by this article and within accordance to appendix D104.2.1 of the North Carolina State Plumbing Code. Those duties may include sampling and testing of water, or inspection and observation of all piping systems connected to the public water supply. Refusal to allow these representatives to enter for these purposes will result in the disconnection of water service.
2. On request, the consumer shall furnish to the water purveyor any pertinent information regarding the water supply system on such property where cross-connection and backflow are deemed possible. [NC State Plumbing Code Appendix D104.2.3]

Article VI. Law: Unprotected Cross-Connection Prohibited

1. No water service connection to any private water system shall be installed or maintained by the Town of Stanfield unless the water supply is protected as required by this article and other applicable laws. Service of water to any premises shall be discontinued by the Town of Stanfield if a backflow assembly, required by this article, is not installed, tested, and maintained or if a backflow assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises.
2. No customer shall allow an unprotected cross-connection to be made or to remain involving the customer's private water system.
3. No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow assembly, appropriate to the degree of hazard.

4. No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this article.
5. No customer shall fail to submit to the Town of Stanfield any record which is required by this article.

Article VII. Installation and Testing of Backflow Prevention Assembly

1. The purpose of this section is to require that all water flowing from the public water system, must flow through an approved backflow prevention assembly and that each backflow prevention assembly be properly located, installed, maintained and tested so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.
2. The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation or repair of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. All backflow prevention assemblies may be tested by a certified backflow technician authorized by the Town of Stanfield. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor.
3. All new construction plans and specifications which will directly affect the Town of Stanfield water system, and/or required by the North Carolina Building Code, the North Carolina Division of Health Services (NCDEHNR), and town or county planning and zoning offices, shall be made available to the Town of Stanfield Public Works Department for review, approval, and to determine the degree of hazard.
4. All existing facilities zoned commercial or industrial that have existing water services with the Town of Stanfield and are requesting a certificate of occupancy from the county planning and zoning offices, shall be inspected for compliance of backflow and cross-connection control prevention. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Public Works Department may release the facility to obtain a certificate of occupancy.
5. All backflow prevention assemblies must be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the water purveyor.
6. If it has been determined that a backflow prevention assembly cannot be installed at the meter service, due to zoning or DOT right-of-way, an approved backflow assembly must be installed on any branch of plumbing installed between the service meter and the service backflow assembly.
7. Any branch of plumbing installed on the private water system that may be of a greater hazard than the supply line, (example: chemical induced irrigation or fire systems, pump systems, etc.) shall be protected with a reduced pressure zone assembly.
8. All backflow prevention assemblies shall be installed in accordance with the backflow and cross-connection manual and/or the manufacturer's instructions, whichever is

most restrictive.

9. All double check valve assemblies, two-inch or larger, must be installed in a watertight drainable pit wherever below ground installation is necessary in accordance with detailed specifications provided in the backflow and cross-connection control manual. If drain cannot be provided, the assembly must be installed above ground. Double check valve assemblies may be installed in a vertical position with prior approval from the Public Works Department provided the flow of water is in an upward direction.
10. Reduced pressure principal assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit installations are prohibited).
11. Each backflow prevention assembly that is required must function properly at time of installment. Each customer will be required to test, maintain, and repair each assembly required which is a part of the customer's private water system. A certified backflow prevention technician may only conduct such test. Testing shall be done immediately following installation of any backflow prevention assembly and on an annual or semi-annual basis depending on the degree of hazard.
12. If repair is found necessary on an assembly, it must be re-tested following any repair. A complete duplicate copy of any testing and/or repair shall be sent to the Town of Stanfield within thirty (30) days of completion of test or repair. Each customer must maintain a complete copy of any test or repair for no less than five (5) years. All test and repair records must be maintained on forms approved by the Town of Stanfield Public Works Department.
13. All rubber components must be replaced every five (5) years or as often as needed.
14. Any customer installing a reduced pressure zone (RPZ) or double check valve assembly (DCVA) must provide the following information to the Public Works Department within ten (10) days after installation:
 - Service address where assembly is located
 - Owner
 - Description of assembly's location
 - Date of installation
 - Type of assembly
 - Manufacturer
 - Model Number
 - Serial Number
 - Test results/reports
15. The Public Works Department must approve each backflow assembly required by this article. A list of approved assemblies can be obtained through the Public Works Department; any unapproved backflow assembly must be replaced, within a time set by the administrator, with an approved backflow assembly.
16. If it has been determined that a customer must install a backflow prevention assembly, the Public Works Department will provide the customer with a letter of notification and

list of approved backflow assemblies. The following time periods shall be set forth for the installation of the specified assemblies:

Table Inset:

Health Hazard	60 days
Non-Health Hazard	90 days

17. If an imminent hazard or unreasonable threat of contamination or pollution to the public water system is detected, the Public Works Department may require the installation of the required backflow assembly immediately or within a shorter time period than specified in subsection (16).
18. If a customer does not wish for water service to be interrupted when a backflow assembly is tested, repaired, or replaced, a parallel installation must be made using an approved assembly of the same degree of hazard. The parallel line may be of the same size or smaller.

Article VIII. Degree of Hazards

A. Determining the degree of Hazard

1. No service shall be completed until the Public Works Department has been provided information or has surveyed the private water system to determine the degree of hazard and made a determination of a backflow prevention assembly to be installed to protect the public water supply.
2. Any customer making any modification to the private system's configuration or use of, which may change the degree of hazard, shall notify the Public Works Department before any modification is made. If the Public Works Department determines that such modification requires a different backflow prevention assembly, that assembly must be installed before the modification is made.
3. The following types of facilities or services have been identified by the Town of Stanfield Public Works Department as having a potential for backflow or non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the Town of Stanfield Public Works Department. As a minimum requirement, all commercial services will be required to install a double check valve assembly unless otherwise listed below:

- DCVA** – Double check valve assembly
- RP** – Reduced pressure principle assembly
- DCDA** – Double check detector assembly
- RPDA** – Reduced pressure detector assembly
- AG** – Air gap
- PVB** – Pressure vacuum breaker
- a. *Aircraft and missile plants: RP*
- b. *Automotive service station, dealerships, etc.:*

- No health hazard: **DCVA**
- Health hazard: **RP**
- c. *Automotive plants*: **RP**
- d. *Auxiliary water systems*:
 - Approved public/private water supply: **DCVA**
 - Unapproved public/private water supply: **AG**
 - Used water and industrial fluids: **RP**
- e. *Bakeries*:
 - No health hazard: **DCVA**
 - Health hazard: **RP**
- f. *Beauty shops/barber shops*:
 - No health hazard: **DCVA**
 - Health hazard: **RP**
- g. *Beverage bottling plants*: **RP**
- h. *Breweries*: **RP**
- i. *Buildings: Hotels, apartment houses, public and private buildings, or other structures having unprotected cross-connections*:
 - (Under five stories) No Health Hazard: **DCVA**
 - (Under five stories) Health Hazard: **DCVA**
 - (Over five stories) All: **RP**
- j. *Canneries, packing houses, and rendering plants*: **RP**
- k. *Chemical plants: Manufacturing, processing, compounding or treatment*: **RP**
- l. *Chemically contaminated water system*: **RP**
- m. *Commercial car-wash facilities*: **RP**
- n. *Commercial greenhouses*: **RP**
- o. *Individual commercial sales establishments (department stores)*
 - No health hazard: **DCVA**
 - Health hazard: **RP**
- p. *Concrete/asphalt plants*: **RP**
- q. *Dairies and cold storage plants*: **RP**
- r. *Dye works*: **RP**
- s. *Film laboratories*: **RP**
- t. *Fire Systems*
 - No health hazard: **DCDA**
 - Health hazard: (Booster Pumps, Foams, Antifreeze Solution, etc.): **RPDA**
- u. *Hospitals, medical buildings, sanitarium, morgues, mortuaries, autopsy facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals*: **RP**
- v. *Industrial facilities*:
 - No health hazard: **DCVA**
 - Health hazard: **RP**
- w. *Laundries*:
 - No Health hazard: **DCVA**

- Health hazard: (i.e., Dry Cleaners): **RP**
- x. *Lawn irrigation systems:*
 - No health hazard: **DCVA**
 - Health hazard: (Booster Pumps, Chemical Systems): **RP**
- y. *Malls or strip malls (frequent tenant change and photo labs, etc.):* **RP**
- z. *Metal manufacturing, cleaning processing, and fabricating plants:* **RP**
- aa. *Mobile home parks:*
 - No health hazard: **DCVA**
 - Health hazard: **RP**
- bb. *Oil and gas production, storage or transmission properties:* **RP**
- cc. *Paper and paper products plants:* **RP**
- dd. *Pest control (exterminating and fumigating):* **RP**
- ee. *Plating plants:* **RP**
- ff. *Power plants:* **RP**
- gg. *Radioactive materials or substances – plants or facilities handling:* **RP**
- hh. *Restaurants:*
 - No health hazard: **DCVA**
 - Health hazard: **RP**
- ii. *Restricted, classified, or other closed facilities:* **RP**
- jj. *Rubber plants (natural or synthetic):* **RP**
- kk. *Sand and gravel plants:* **RP**
- ll. *Schools and colleges:* **RP**
- mm. *Sewage and storm drain facilities:* **RP**
- nn. *Public Swimming Pools:* **RP**
- oo. *Waterfront facilities and industries:* **RP**

****All assemblies and installations shall be subject to inspection and approval by the Town of Stanfield Backflow and Cross-Connection Control Department.**

4. Filling of tanks/tankers or any other container from a Town of Stanfield owned fire hydrant is strictly prohibited unless it has been equipped with the proper meter and backflow protection; at which point the Town of Stanfield Public Works Department will issue a permit for that tank/tanker or container. Any unauthorized connection to a fire hydrant is considered an illegal cross-connection to the public water system and will be subject to fines.
5. If a cross-connection control inspector is unable to survey any portion of a private water system to determine the degree of hazard, due to confidential activities, a reduced pressure zone assembly will be required.

B. Low Hazard

1. All single-family residential homes will be considered a low hazard and shall have a minimum of a dual check valve device installed at the meter service.
2. If no other backflow prevention assembly is specified, a double check valve assembly must be installed on all private water systems.

C. Imminent Hazard

1. If it has been determined a customer's private water system has an imminent hazard, such customer must install a backflow prevention assembly specified by the Public Works Department and this article. This assembly must be installed within twenty-four (24) hours of notification from the administrator. If the customer fails to install the specified assembly within the allowed time limit, water service to the customer's private water system will be terminated and may be subject to specified civil penalties. In the event the Public Works Department is unable to notify the customer in twenty-four (24) hours of determining an imminent hazard exists, the administrator may terminate water service until the specified assembly is installed. These actions may be carried out under the Safe Drinking Water Act (Title XIV Section 1431) and the N.C. State Plumbing Code (Appendix D104.2.6).
2. Only a backflow prevention assembly offering a greater degree of protection may be installed in place of a specified assembly required by this article.

Article IX. Notice of Contamination or Pollution

1. In the event the customer's private water system becomes contaminated or polluted, the customer shall notify the Town of Stanfield Public Works Department immediately.
2. In the event a customer has reason to believe that a backflow incident has occurred between the customer's private water system and the public water system, the customer must notify the Town of Stanfield Public Works Department immediately in order that appropriate measure may be taken to isolate and remove the contamination of pollution.

Article X. Violations

A. Notification of violation

1. A written notice must be presented to any customer/person who has been found to be in violation of any part of this article.
2. Such notice must explain the violation and give the time period within which the violation must be corrected. The time period set to correct a violation shall not exceed thirty (30) days after receiving notice unless otherwise specified by the time period chart Article VII (16). If the violation has been determined by the Administrator to be an imminent hazard the customer shall be required to correct the violation immediately.
3. In the event a customer is found in violation of this article and fails to correct the violation in a timely manner or to pay any civil penalty or expense assessed under this section, water service will be terminated.

B. The violation of any section of this article may be punished by a civil penalty listed as follows:

- A. Unprotected cross connection involving a private water system, which has an imminent hazard: One thousand dollars (\$1,000.00) per day not to exceed ten thousand dollars (\$10,000.00).
- B. Unprotected cross connection involving a private water system, which is of a moderate or high hazard: Five hundred dollars (\$500.00).

- C. Submitting false records or failure to submit records, which are required by this article: Five hundred dollars (\$500.00).
- D. Failure to test or maintain backflow prevention assemblies as required: One hundred dollars (\$100.00) per day.

C. Reduction of penalty

- 1. The administrator may reduce or dismiss any civil penalty imposed under this section if the administrator has determined that the person charged with the violation has no past history of violation in a timely manner as set by the administrator.
- 2. No civil penalty shall be reduced if it has been determined the violation was intentional.
- 3. Any person violating any part of this ordinance must reimburse the Town of Stanfield for any expenses in repairing damage to the public water system caused by any violation and any expenses incurred for investigating a violation.

Ordinance 2016#4May

**Town of Stanfield
“No Engine Brake” Ordinance**

UNMUFFLED ENGINE COMPRESSION BRAKES

- A. Definitions. For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

“UNMUFFLED ENGINE COMPRESSION BRAKE” A motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise.

- B. Prohibition.

- 1) No person shall use an engine braking system within the corporate limits of the Town of Stanfield which is in any way activated or operated by the compression of the engine of any such motor vehicle or any such unit or part thereof, EXCEPT in cases of emergency or necessary for the protection of persons and/or property. Such braking is commonly referred to as compression braking or a “jake brake”.
- 2) The Town of Stanfield will identify the areas in which engine braking is prohibited and signs shall be conspicuously posted in such areas stating:

“NO ENGINE BRAKE per Town ordinance” or its equivalent.

- C. Emergency vehicle exemption. All emergency vehicles are exempt from this order.

**AN ORDINANCE ESTABLISHING MINIMUM HOUSING STANDARDS
TOWN OF STANFIELD, NORTH CAROLINA**

TABLE OF CONTENTS

section		page
1	Purpose	2
2	Definitions	2
3	Minimum Standards of Fitness for Dwellings and Dwelling Units, and Manufactured Homes	4
4	Minimum Standards for Structural Conditions	5
5	Minimum Standards for Basic Plumbing, Heating and Electrical Equipment and Facilities	5
6	Minimum Standards for Ventilation	7
7	Minimum Standards for Space, Use and Location	7
8	Minimum Standards for Safe and Sanitary Maintenance	7
9	Minimum Standards for Control of Insects, Rodents, and Infestations	8
10	Minimum Standards Applicable to Rooming Houses	9
11	Responsibilities of Owner and Occupants	10
12	Smoke Detection System	11
13	Powers and Duties of the Housing Inspector	11
14	Housing Appeal Board	13
15	Inspections: Duties of Owners and Occupants	13
16	Procedure for Enforcement	13
17	Methods of Service of Complaints and Orders	17
18	Appeals from Orders of the Inspector	17
19	Alternate Remedies	18
20	Conflict with Other Provisions	19
21	Violations: Penalty	19
22	Amendment Procedure	20
23	Severability	20
24	Effective Date	20

Section 1 Purpose

Pursuant to NCGS 160A-441, et seq, the Stanfield Board of Commissioners declares that there may exist in Stanfield dwellings which may be unfit for human habitation. These conditions exist due to dilapidation; defects increasing the hazards of fire, accidents, and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe, unsanitary, dangerous, and detrimental to the health, safety, and welfare, of the residents of Stanfield.

In order to protect the health, safety and welfare of the residents of Stanfield as authorized by Chapter 160A-441, et seq, of the General Statutes, it is the purpose of this ordinance to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-441, et seq.

Section 2 Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Appliance shall mean that equipment used for cooking or heating which is hardwired or permanently installed to the dwelling and is considered as real property instead of personal property.

Basement/Cellar shall mean a portion of a dwelling which is located at least 50% underground, having access to light and air from windows above the level of the adjoining ground.

Deteriorated shall mean that a dwelling may be unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this ordinance at a cost not in excess of fifty percent (50%) of its value, as determined by the findings of the Housing Inspector.

Dilapidated shall mean that a dwelling is unfit for human habitation and cannot be improved, repaired, or altered to comply with all of the minimum standards established by this ordinance except as a cost in excess of fifty percent (50%) of its value, as estimated by the Housing Inspector.

Dwelling shall mean any building, structure, manufactured or mobile homes or part thereof, which is wholly or partly used or intended to be used for living, sleeping, or habitation by human occupants and including any accessories and structure and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit used or intended to be used for living, sleeping, or habitation by human occupants.

Extermination shall mean the control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination method approved by the Housing Inspector.

Garbage shall mean the waste resulting from the handling, preparation, cooking, and consumption of food.

Gender Words having a masculine gender shall include the feminine and neuter gender.

Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes; excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, communicating corridors, closets, and storage spaces.

Housing Board shall mean Stanfield Board of Commissioners.

Housing Code Enforcement Officer shall mean the same person or persons as Housing Inspector.

Housing Inspector shall mean any person or agent appointed by the Stanfield Board of Commissioners. As used in this ordinance or any related context, the terms “housing inspector” and “housing code enforcement officer” shall mean and refer to the same person or persons.

Infestation shall mean the presence, within or around a dwelling, or any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or public.

Lessee shall mean any person or group of persons who, under agreement with the property owner, occupies a dwelling unit for the purposes of living, sleeping, cooking or eating.

Multiple Dwellings shall mean any dwelling containing two or more dwelling units, and shall include, but not limited to, duplexes, apartments, etc.

Occupant shall mean any person living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

Operator/Landlord shall mean any person who has charge, care, or control of a building, or part in a bathroom.

Supplied shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.

Temporary Housing shall mean any tent, trailer or other structure used for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.

Unfit for Human Habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house, or rooming unit, which do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this ordinance.

Words having certain meaning – Whenever the words “dwelling, dwelling unit, rooming house, rooming unit, premises” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof”.

Working Day – Normal working hours and working days for the Housing Code Enforcement Officer.

Section 3 Minimum Standards of Fitness for Dwellings, Dwelling Units, and Manufactured Homes

Standards for dwellings, dwelling units, rooming units, and manufactured homes shall be:

1. Every dwelling, dwelling unit, and rooming unit used as a human habitation shall comply with the North Carolina State Building Code, as amended, and with all standards of fitness for human habitation and the requirements as set forth in this ordinance.
2. No person shall occupy, let to another for occupancy, or use as a human habitation any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards of fitness of human habitation in this ordinance.

3. Every manufactured home used as a human habitation shall comply with the NC State Building Code, and with all regulations promulgated by the NC State Building Code Council.

Section 4 Minimum Standards for Structural Condition

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

1. Walls, partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, buckle, and shall not be rotten, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
2. Floors or roofs shall have adequate supporting members and strength to be in a condition which would be structurally sound and safe for the purpose used.
3. Foundations, foundation walls, piers or other foundation supports shall be in a condition which would be structurally sound and safe for the purpose used.
4. Steps, stairs, landings, porches, decks, balconies, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse. Any stairs or steps having four (4) or more risers shall have a handrail. Any decks, porches, landings or balconies thirty inches (30") or more above grade shall have a guard rail. All handrails and guardrails must have intermediate rails to comply with the current NC State Building Code.
5. Adequate facilities for egress in case of fire or panic shall be provided. Sleeping rooms must have one (1) operable window or door directly to the exterior of the house.
6. Interior walls and ceilings of all rooms, closets, hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable occupants to maintain reasonable privacy between various spaces.
7. The roof, flashing, exterior walls, floors, doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and water tight.
8. There shall be no chimneys or part thereof which are defective, deteriorated, in danger of falling, or in such conditions or location as to constitute a fire hazard.
9. There shall be no use of the ground for floors, or wood floors on the ground.

Section 5 Minimum Standards for Basic Plumbing, Heating, and Electrical Equipment and Facilities

1. Plumbing System
 - a. Each dwelling unit shall be connected, by an approved method, to a continuous potable water supply and to a public sewer or other approved sewage disposal systems.
 - b. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. Water heaters shall be capable of heating water to 110 degrees Fahrenheit. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
 - c. All existing plumbing fixtures, water and drainage piping shall meet the standards of the NC State Plumbing Code and shall be maintained in a state of

good repair and in good working order, free of leaks and adequately protected from freezing.

- d. All existing required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

2. Heating System

- a. Central Heating Systems – Every central heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured three (3) feet above the floor during ordinary winter conditions.
- b. Other Heating Facilities – Where a central heating system is not provided, each dwelling unit shall be provided, as a minimum, operable fixed in place heating facilities as was originally installed for the dwelling unit. Each dwelling unit shall heat at least one habitable room with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured three (3) feet above the floor during ordinary winter conditions. Portable heaters are not permitted as a primary source of heating. No unvented fossil fuel burning appliances shall be allowed in sleeping areas.

3. Electrical Systems

- a. Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles in each room, located on separate walls. Lights shall have wall switches at each entrance, connected in such manner as determined by the National Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace or similar room at least one (1) switched ceiling or wall type electric light fixture. Every bathroom must have at least one (1) GFCI convenience receptacle.
- b. Every public hall and stairway in every multiple dwelling unit shall be adequately lighted by switched electric lights at all times when natural daylight is not sufficient.
- c. All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the National Electrical Code.

Section 6 Minimum Standards for Ventilation

1. General – Every habitable room shall have at least one window or skylight facing directly to the outdoors unless otherwise approved by the Housing Inspector.
2. Habitable Rooms – Every habitable room shall have at least one window or sky light which can easily be opened, or such other device, such as air conditioning, as will adequately ventilate the room, unless otherwise approved by the Housing Code Enforcement Officer.
3. Bathroom and Water Closet Rooms – Every bathroom and water closet room shall comply with the light and ventilation requirements for habitable rooms except that no

window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

Section 7 Minimum Standards for Space, Use and Location

1. Room Size – Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the NC State Building Code.
2. Cellar – No cellar shall be used for living purposes.
3. Basements – No basements shall be used for living purposes unless:
 - a. The floor and walls are substantially watertight;
 - b. Every habitable room shall have at least one (1) window facing directly to the outdoors which can be easily opened. If other ventilation, approved by the Housing Inspector, is provided, then window(s) do not have to open.
 - c. The window area of every habitable room shall be entirely above the grade except where the window or windows face a stairwell, window well or access way or a way is provided to the exterior.
 - d. Bedrooms must have a direct exit door to the exterior or operable window to meet the egress requirements of the NC State Building Code.

Section 8 Minimum Standards for Safe and Sanitary Maintenance

1. Exterior foundation, walls, and roofs – Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound and good repair; shall be capable of supporting the load which normal use would cause to be placed thereon.
2. Interior floors, walls, and ceilings – Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting load which normal use would cause to be placed thereon.
3. Windows and doors – Every window, exterior door, basement, cellar door, and hatchway shall be substantially weather tight, watertight, rodent proof and shall be kept in sound working condition and good repair. All exterior doors must have an apparatus for opening and closing the door on both sides, a locking mechanism, which can be opened from both sides of the door and shall be kept in sound repair.
4. Stairs, porches, and appurtenances – Every outside and inside stair, porch, and any appurtenance thereto, shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and shall be kept in sound condition and good repair.
5. Bathroom floors, and walls – Every bathroom floor surface and water closet compartment floor surface and every tub and shower wall surface shall be constructed and maintained so that they will be substantially impervious to water and will permit such surface to be easily kept in a clean and sanitary condition.
6. Supplied Facilities – Every supplied facility, piece of equipment of utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
7. Drainage – Every yard shall be properly graded in order to obtain thorough drainage away from the dwelling unit and to prevent the accumulation of stagnant water.

8. Egress – Every dwelling unit shall be provided with adequate and unobstructed means of egress (exit) as required by the NC State Building Code.
9. Tall Grass – All grass of a residential/commercial/industrial structure shall be kept no more than eighteen (18”) inches in height on average in all cases. If lot is less than one assessed acre, the entire lot shall be mowed. Assessed lots more than one acre in size shall mow all grass within fifty feet (50’) of any residential/commercial/industrial structure and within twenty-five feet (25’) of any accessory structure and the first 50’ from all adjoining property lines. Lots with no structures but located in a platted subdivision as determined by zoning officer, shall maintain grass height for the first 50’ from all adjoining property lines. Any portion of a lot, deemed by the zoning officer, to be used for a bona fide agricultural purpose shall not be subject to the grass height requirements.

Section 9 Minimum Standards for Control of Insects, Rodents and Infestations

1. Screens – In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening, and window or other device open to the outdoor space, used or intended for ventilation, shall be equipped with screens. Every dwelling unit which does not have a central air conditioning system shall have screens on every window opening intended to be used of for ventilation.
2. Rodent Control – Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents shall be equipped with screens or such other approved device as will effectively prevent their entrance.
3. Infestation
 - a. Owners who occupy single dwelling units shall be responsible for extermination of any insects, rodents, or other pests within the premises.
 - b. All rental properties will be reasonably free of insect infestations at the time of change of tenancy. The lessee shall have a period of five (5) days after occupancy to request an inspection for infestation. After five (5) days, the lessee shall be responsible to maintain the dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the lessee.
 - c. In cases of multiple dwelling units where infestation exists in two or more of said units or in the shared or public parts of any dwelling units, extermination shall be the responsibility of the owner.
4. Garbage and Rubbish Storage and Disposal
 - a. Property owners of single dwelling units shall be responsible for providing an approved container for outdoor storage of rubbish; and to provide an approved garbage disposal facility.
 - b. It is the property owner’s responsibility to provide for the removal and disposal of rubbish and garbage in an approved manner, except for those dwellings being leased to a second party, then the primary responsibility shall be placed on the occupant. Whenever the removal of rubbish and garbage is not carried out by the lessee, then the responsibility shall be the owner’s.

- c. In cases of multiple dwelling the responsibility of rubbish and garbage removal will be that of the owner.

Section 10 Minimum Standards Applicable to Rooming Houses

All the provisions of this ordinance, and all of the minimum standards and requirements of this ordinance, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following paragraphs.

1. Water Closet, Hand Lavatory and Bath Facilities – At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
2. Minimum Floor Areas – Every room occupied for sleeping purposes by one (1) or more occupants shall have the minimum floor space as required by the NC State Building Codes.
3. Sanitary Conditions – The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house. The operator shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building, within which the rooming house is contained, is leased or occupied by the operator.
4. Sanitary Facilities – Every water closet, flush urinal, lavatory basin and bathtub or shower required by paragraph one (1) of this Section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

Section 11 Responsibilities of Owner and Occupants

1. Permits - It shall be the responsibility of the owner or contractor to obtain proper building permits and comply with NC State licensing laws and regulations.
2. Safety – After an inspection of a dwelling in which any or all of the below emergency situations exist, the owner shall repair and correct any substandard item within forty eight (48) hours of the building being inspected and notification of violation being given:
 - a. Repair any broken, burst, frozen or inoperable plumbing pipe or fixtures (water or sewer);
 - b. Repair any exposed or unsafe electrical wiring;
 - c. Repair or replace any unsafe and/or dangerous cooking appliances, provided by the owner;
 - d. Repair, replace or install heating equipment;

- e. Repair or replace above ground fuel storage tanks and/or leaking, improperly supported or dangerous.

Upon discovery of any of the above emergency situations, the housing inspector shall provide notification to the owner of the dwelling to correct or repair the emergency situation, as listed above, within a forty-eight (48) hour period after notification of the violation. Notice of violation shall be in any two of the following forms:

- a. Posting of the dwelling, showing the emergency situation(s) to be corrected and specified time limit in which repairs are to be corrected.
- b. Notification of the owner by certified mail of the violation with the specified time period in which to have the problem corrected. Notification to the property owner shall be deemed to be twenty-four (24) hours after depositing the letter.
- c. Notification by telephone, fax or other method.

Should an emergency situation not be corrected by the owner within the forty-eight (48) hour period after notification, then the housing inspector shall take action to have the emergency situation corrected to bring the dwelling into compliance with this ordinance pursuant to 160A-174 and 193 or other appropriate remedy.

During periods of declared natural disasters, defined as hurricanes, tornados, floods, earthquakes, forest fires, and other similar acts of God, this provision shall be suspended.

3. Public Areas – Every owner of a dwelling containing two (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.
4. Cleanliness – Every dwelling or dwelling unit shall be delivered in a clean and sanitary condition, and every occupant shall keep that part of the dwelling, dwelling unit and premises which he/she occupies and controls in a similar manner.
5. Rubbish and Garbage – Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by, within seven (7) days, placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.
6. Supplied Plumbing Fixtures – Every 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.
7. 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. Willful destruction of the premises by the occupant shall be deemed legal grounds for eviction and other legal remedies.

Section 12 Smoke Detection System

All residential units, which have been ordered by the Housing Inspector to be repaired and to conform to the minimum standards set forth in this ordinance, shall have an automatic smoke detection system installed to conform to the standards in the NC State Building Code. This section shall not apply to residential units that are not under direct order of the Housing Inspector to be repaired.

Section 13 Powers and Duties of the Housing Inspector

The Stanfield Board of Commissioners Designee is hereby designated as the Housing Inspector, the officer to enforce the provisions of this ordinance and to exercise the duties and powers herein prescribed. The Housing Inspector shall have the following powers and duties:

1. To investigate housing conditions and to inspect dwellings and dwelling units located within the corporate limits of the Town of Stanfield, to determine which dwellings and dwelling units are unfit for human habitation and/or violate this ordinance, and to carry out the objectives of this ordinance.
2. To take such action, together with other appropriate departments and agencies, as necessary to effect rehabilitation of housing which is deteriorated, and/or dilapidated.
3. To keep a record of the results of inspections made under this ordinance, including a list of all those dwellings inspected and not in compliance with the inspector's report.
4. To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with this Ordinance and State Law, and shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.
5. To appoint and affix, upon approval of the Stanfield Town Administrator, the duties of such officers, agents, and employees as the Housing Inspector deems necessary to assist in carrying out the purposes of this ordinance, and to delegate any of his functions and powers to such officers, agents and employees.
6. Notification of property owners by the Housing Inspector:
 - a. Upon discovery of any emergency situations listed in Section 11 of this ordinance, the Housing Inspector shall provide notification to the owner of the dwelling to correct or repair the emergency situation, as listed above, within a forty eight (48) hour period after notification of the violation. Notice of violation shall be any two (2) of the following forms:
 - i. Posting of the dwelling, showing the emergency situation(s) to be corrected and specified time limit in which repairs are to be corrected.
 - ii. Notification of the owner by certified mail of the violation with the specified time period in which to have the problem corrected. Notification to the property owner shall be deemed to be twenty four (24) hours after depositing the letter.
 - iii. Notification by telephone, fax or other method.
 - b. Upon receipt of a complaint or request for inspection in non-emergency situations, the Housing Inspector shall notify the property owner and/or tenant in the following manner:
 - i. The Housing Inspector shall contact both the owner and the tenant advising that a complaint or report had been filed with the inspector.
 - ii. The Housing Inspector shall also advise that the dwelling will be inspected seven (7) days after the complaint is filed, if no earlier time is agreed upon, and advise that the owner may be present during the inspection. Also, that if the owner or tenant wishes to reschedule the inspection, they may negotiate a specific inspection time with the inspector.

- iii. The Housing Inspector shall also notify the tenant of the specific date of the inspection, in a similar manner to the owner notification.
 - c. If the house to be inspected is occupied, then the Inspector shall advise the occupant and owner at the time of the seven (7) day notice of their constitutional rights to refuse entry to the Inspector.
7. To perform such other duties as may be prescribed herein or by the Stanfield Board of Commissioners.

Section 14 Housing Appeal Board

The Housing Appeal Board shall review all appeals from property owners relating to orders given by the Housing Inspector. The Housing Appeal Board shall be the Town of Stanfield Board of Adjustments (per NCGS 160A-446). Their Rules of Procedure apply. The Board shall perform the duties prescribed by NCGS 160A-446 and shall keep an accurate record of all of its proceedings.

Section 15 Inspections; Duties of Owners and Occupants

1. For the purposes of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units, and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house, rooming unit, or person in charge thereof, will allow entry at all reasonable times for the purposes of such inspection, examination and survey. If the house to be inspected is occupied, then the Inspector shall advise the Occupant and Owner, at the time of the seven (7) day notice, of their constitutional rights to refuse entry to the Inspector.
2. Every occupant of a dwelling, dwelling unit, rooming house, or rooming unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations necessary to effect compliance with provisions of this ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

Section 16 Procedure for Enforcement

1. Whenever a written petition is filed with the housing inspector by a public authority or by at least five citizens of five different households of the Town of Stanfield charging that any dwelling is unfit for human habitation or whenever it appears to the housing inspector (on his own motion) that any dwelling is unfit for human habitation, the housing inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, and parties in interest in such dwellings, a complaint stating the charges in that respect and:
 - a. containing a notice that a hearing will be held before the housing inspector or his designated agent at a place within the county in which the property is located and;
 - b. set not less than 10 days nor more than 30 days after the serving of the complaint;
 - c. that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the

- place and time fixed in the complaint; and
- d. that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the housing inspector.
2. If after notice and hearing, the housing inspector determines that the dwelling under consideration is unfit for human habitation; he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order;
 - a. If the repair, alteration, or improvement of the dwelling can be made at less than 50% of the value as estimated by the inspector, the owner is required, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation to vacate and close the dwelling as a human habitation; or
 - b. If the repair, alteration, or improvement of the dwelling cannot be made at 50% or less of its value as estimated by the inspector, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.
 - c. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A, Part 3C.
 3. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the housing inspector may cause the dwelling to be repaired, altered or improved or to be vacated and closed; and the housing inspector may cause to be posted on the main entrance of any dwelling so closed, 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 building so posted shall constitute a Class 1 misdemeanor.
 4. If the owner fails to comply with an order to remove or demolish the dwelling, the housing inspector may cause such dwelling to be removed or demolished. The duties of the housing inspector set forth in subdivisions (3) and (4) shall not be exercised until the governing body shall have by ordinance ordered the housing inspector to proceed to effectuate the purpose of this ordinance with respect to the particular property or properties which the housing inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
 5. If the governing body has adopted an ordinance, or the housing inspector has:
 - a. issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in subdivision (2)a, and
 - b. if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order;
 - c. then if the governing body shall find:

- i. that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation, and
 - ii. that the continuation of the dwelling in its vacated and closed status would be unfavorable to the health, safety, morals and welfare of the municipality in that:
 - 1. the dwelling would continue to deteriorate
 - 2. would create a fire and safety hazard,
 - 3. would be a threat to children and vagrants,
 - 4. would attract persons intent on criminal activities,
 - 5. would cause or contribute to blight and the deterioration of property values in the area, and
 - 6. would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State.
- d. then in such circumstances, the Stanfield Board of Commissioners may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
 - i. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling as estimated by the Inspector, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
 - ii. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling as estimated by the Inspector, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.
- e. This ordinance shall be recorded with the Stanly County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the housing inspector shall effectuate the purpose of the ordinance.
 - i. That the amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the housing inspector 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 assessment provided in N.C. 160A Article 10. If the dwelling is removed or demolished by the housing inspector, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds 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 inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the

Municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

- ii. If any occupant fails to comply with an order to vacate a dwelling, the housing inspector may file a civil action in the name of the Municipality to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. 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 10 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 tenor, and if on its return it appears to have been duly served, and if at the hearing the housing inspector produces a certified copy of an ordinance adopted by the Stanfield Board of Commissioners pursuant to subdivision (4) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling 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 such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Stanfield Board of Commissioners ordered the housing inspector to proceed to exercise his duties under subdivisions (3) and (4) of this section to vacate and close or remove and demolish the dwelling.
- iii. That whenever a determination is made pursuant to subdivision (2) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the housing inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The housing inspector or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an

order requiring the housing inspector to wait 45 days before causing removal or demolition.

Section 17 Methods of Service of Complaints and Orders

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, the Inspector shall make an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in Stanly County at least once no later than the time at which personal service would be required under the ordinance. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

Section 18 Appeals from Orders of the Inspector

An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the Municipality. Any appeal from the Inspector shall be taken within ten (10) days from the rendering of the decision or service of the order, by filing with the Inspector and with the Housing Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record from which the appealed decision was made. When the appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Housing Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him that the reason of the facts stated in the certification, a copy of which shall be furnished to the person who is appealing, a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by restraining order, for due cause shown upon not less than one (1) day written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446(5).

The Housing Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all parties, and shall render its decision within reasonable time. Any party may appear in person, by agent, or attorney. The Board may reverse or affirm, wholly, partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to this end shall have all the powers of the Inspector. The concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in the case where there are practical difficulties or unnecessary hardships in a way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Every decision of the Housing Board shall be subject to review by the proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise.

Petition to Superior Court by Owner – Any person aggrieved by an order by the Inspector or a decision rendered by the Housing Board shall have the right, within thirty (30) working days after issuance of the order or rendering of the decision, to petition the Superior Court for an injunction restraining the Inspector from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. 160A-446.

Section 19 Alternate Remedies

Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the Town of Stanfield or Stanly County to define and declare nuisances and to cause this ordinance by criminal process as authorized by G.S. 14-4 and Section 12 of this ordinance, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinance or laws. Pursuant to the NC General Statute 160A-175, a civil penalty may be imposed by the Stanfield Board of Commissioners.

Section 20 Conflict with other Provisions

In the event any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of the Town the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Municipality and/or Stanly County shall prevail.

Section 21 Violations; Penalty

1. It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish and remove the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.
2. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 16 of this ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or vacating the premises and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
3. The violation of any provision of this ordinance shall constitute a Class 3 misdemeanor, as provided by G.S. 14-4 or a Class 1 misdemeanor as provided by G.S. 160A-175.
4. In addition to the penalty established by subsection (3) above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate equitable remedy issued by a court or competent jurisdiction.

5. The initial citation for each violation shall be \$50.00. The issuance of a second citation for any violation that has not been corrected shall be in the amount of \$200.00 upon the date of issuance, \$500.00 for the third citation and \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator(s) or, the citation may be mailed, certified return receipt requested. The citations shall direct the violator to make payment at the Town of Stanfield within fifteen (15) days of the date of the citation or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days from the date of issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of delinquency. Further, the citation shall state that the violation is a continuing violation, and additional citations may be issued.

Section 22 Amendment Procedure

The Stanfield Board of Commissioners may from time to time amend the terms of this ordinance, but no amendment shall become effective unless it shall have been proposed by or shall be submitted to the Housing Board for review and recommendation. No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Stanfield area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than fifteen (15) days prior to the hearing date. In computing the fifteen (15) – twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

Section 23 Severability

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision thereof, and to that end, the provisions of this ordinance are hereby declared to be severable. If any provision of this ordinance shall be declared invalid or unenforceable, the remainder of the ordinance shall continue in full force and effect.

Town of Stanfield Ordinance
ESTABLISHING CURFEW FOR MINORS

WHEREAS, the Town Council of the Town of Stanfield deems it to be in the best interest of the health and safety of the citizens of Stanfield to impose a curfew on activities of minors as hereinafter provided;

THEREFORE, BE IT ORDAINED by the Stanfield Town Council as follows:

Section 1. DEFINITIONS. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“CUSTODIAN.” A parent, guardian, step-parent, foster parent, house parent, or other person legally responsible for the care and custody of a minor as defined by this ordinance.

“MINOR.” Any person who has not reached his 18th birthday and is not married, emancipated, or a member of the armed services of the United States.

“HE, HIS, HIM.” The use of he, his, or him shall be interpreted to be gender neutral.

“PUBLIC PLACE.” Any place which is generally open 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.

“TOWN.” The Town of Stanfield, North Carolina.

Section 2. TIME LIMITS. It is unlawful for any minor to be in or upon or remain in or upon any public place as defined in Section 1 within the Town or on any property or right-of-way belonging to the Town and located outside the corporate limits of the Town as follows:
Sunday, Monday, Tuesday, Wednesday, Thursday – between 10pm and 5am
Friday, Saturday – between 12 midnight and 5am

Section 3. EXCEPTIONS. The restrictions provided by Section 2 shall not apply to any minor who is:

- A. Accompanied by a custodian as defined in Section 1;
- B. Accompanied by a responsible person over the age of 18 years of age who has the written permission of the minor's custodian to have the minor under his supervision;
- C. Traveling in connection with his employment, religious activity, or attendance at a function sponsored by the Town or school;
- D. Temporarily within the Town or on Town property while engaged in interstate travels; or
- E. Attempting to obtain assistance in a medical emergency.

Section 4. 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 Section 2, except as provided in Section 3.

Section 5. RESPONSIBILITY OF BUSINESS ESTABLISHMENT. 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 such place of business or amusement within the curfew hours set by Section 2, except as provided in Section 3.

Section 6. ENFORCEMENT.

- A. If the minor is a first-time offender, he will be taken to the residence of his 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 entered into the Police Department Records.
- B. If the minor is found to be a repeat offender, he will be taken to the residence of his custodian and the custodian may be issued a criminal citation charging him with a violation of this ordinance. A report will be turned in to Town Hall and entered into the Police Department Records.
- C. Stanfield Police Officers will have discretion regarding enforcement of this ordinance and may determine that extenuating circumstances justify leniency.

Section 7. AIDING AND ABETTING BY ADULT, GUARDIAN, OR PARENT. It shall be a violation of this ordinance for any person over 18 years of age to aid or abet a minor in the violation of Section 2.

Section 8. REFUSAL OF CUSTODIAN TO TAKE CUSTODY OF A MINOR. If the custodian of a minor found to be in violation of this ordinance refuses to take custody of such minor, the officer having custody of the minor child shall contact the Stanly 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 custodian may be issued a criminal citation charging him with a violation of this ordinance.

Section 9. PENALTY. Any person who violates this ordinance shall be guilty of a misdemeanor and shall be fined according to citation.

end