

# SIMPSON, NORTH CAROLINA

## CODE OF ORDINANCES

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**ARTICLE I. INCORPORATION AND CORPORATE POWERS**

**SECTION 1.1 INCORPORATION AND GENERAL POWERS.**

The inhabitants of the area described in Section 2.1 of this Charter:

- (a) shall be and constitute a body politic and corporate under the name of the Village of Simpson
- (b) shall be vested with all property which may be acquired by the Village and all rights herein delegated
- (c) shall have perpetual succession
- (d) may sue and be sued
- (e) may contract
- (f) may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed to, dedicated to, or otherwise acquired by it
- (g) may from time to time, hold or invest, sell, or dispose of the same
- (h) shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every kind and nature.

**SECTION 1.2 EXERCISE OF POWERS.**

All powers, functions, rights, privileges, and immunities of the Village, its officers, agencies, or employees shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Village Council and as provided by the general Laws of North Carolina pertaining to municipal corporations.

**SECTION 1.3 ENUMERATED POWERS NOT EXCLUSIVE.**

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate, to the exercise of such powers, the Village of Simpson shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

**ARTICLE II. CORPORATE BOUNDARIES**

**SECTION 2.1 CORPORATE BOUNDARIES.**

The corporate boundaries of the Village of Simpson until changed in accordance with law are as follows: Located in Grimesland Township, Pitt County, North Carolina, and particularly described as follows:

BEGINNING at the intersection of the Southern line of the right of way of the Norfolk and Southern Railroad Company and the Eastern line of State Highway Number S.R. 1755 and runs from said beginning point as follows:

Thence following the Southern right of way line of the said Norfolk and Southern Railroad Company, North 7 5 West, 230 feet to the center line of a ditch which divides the property of Winfield S. Tucker, conveyed to him by deed recorded in Book Y-34 at page 167 and property conveyed to Carrie Talley Briley, deed recorded in Book X-17 at page 592; thence following the center line of said ditch which divides the said Tucker and Briley property and the property owned by Mrs. W. P. Moore, the deed of which is recorded in Book S-20 at page 477, for a distance of 2450 feet to the intersection of said ditch with the center line of Bates Branch, a corner with the said Briley and Moore lands; thence up said Bates Branch, parsing under S.R. 1759, and following the boundary lines between Jimmy Edwards and Mrs. Fred Edwards, also Thomas C. Carson and Mrs. Fred Edwards, for a distance of 2,000 feet, to the point said Bates Branch, intersects the southern property line of Jesse Lee Andrews; thence following the Northern property line of Mrs. Fred Edwards, part of which is the Southern boundary of the W. L. Wootton farm as shown by map recorded in Map Book 2 at page 93, North 85-35 West, 1,550 feet to the dividing line

between Lots 10 and 11 of the said W.L. Wootton farm; thence following the dividing line between Lots 10 and 11 and 6 and 7 of said Wootton's farm, crossing Jefferson Street, North 15-35 East 1359 feet to the Southern right of way line of the Norfolk and Southern Railroad Company; thence following the Southern line of the said Norfolk and Southern Railroad Company right of way, South 74 East, 883 feet, to a point which is in the Eastern line of the said Wootton's Subdivision and said Railroad right of way, and which is opposite the Southeast corner of property owned by Greenvilles Spinners, Inc.; thence North 15-35 East, crossing the right of way of the said Norfolk and Southern Railroad Company, and following the Eastern property line of Greenvilles Spinners, Inc., which is the Western property line of the Mrs. C. S. Barron's Heirs, also following the Eastern property line of Dennis Manning, being property conveyed to him by deed recorded in Book H-42 at page 243, 1,860 feet to a point which is the extension of the Southern property line of Elsie Mills Porter; thence South 79 East 800 feet, crossing S.R. 1755, to its Eastern property line, and continuing with the Northern property line of Mrs. C. G. Barron Heirs and the Southern property, line of Elsie Mills Porter, South 79 East, 900 feet, to the Southeast corner of the Lucy Jane Hart property described in deed recorded in Book A-34 at page 675 and continuing with the Southern line of said Lucy Jane Hart and the Northern line of C. G. Barron Heirs, South 79 East, 384 feet, to the Southwest corner of David W. Branch, deed being recorded in Book T-36 at page 240, and continuing with the Branch Barron property line, South 79 East, 453.42 feet to the Western right of way line of S.R. 1759; thence continuing South 79 East across the said S.R. 1759 to its Eastern property line and continuing with the Branch-Barron property line, South 79 East 453.42 feet to the Western right of way line of S.R. 17 59; thence continuing South 79 East, across the said S.R. 1759 60 feet to the eastern right of way line of said S.R. 1759 which is on the property of Arden L. Tucker, thence following the-eastern right of way of S.R. 1759 as it adjoins Arden L. Tucker, South 31-30 West 550 feet to a corner with William L. Tucker land, Deed recorded in Book Q-31 at page 440; thence following the common boundary line between William L. Tucker and Arlen L. Tucker, South 02 East 1325 feet to the northeasterly right of way line of S.R. 1755; also known as Central Street in the Community of Simpson; thence following the said Northern and Eastern right of way line of S.R. 1755, crossing the right of way line of the said Norfolk and Southern Railroad, 244 feet to the Point of Beginning, containing 252 acres, more or less.

The foregoing boundary lines are shown by Map prepared by Rivers and Associates, Inc., dated March 4, 1974, being drawing Number Z - 505, and entitled "Village of Simpson, N. C., proposed town limits."

## **ARTICLE III. MAYOR AND CITY COUNCIL**

### **SECTION 3.1 TEMPORARY OFFICERS.**

Until the initial election provided for by Section 4.1 of this Charter,

John T. McDonald, Jr.

Junior Lee Dail

Leonard Joe Hardee

are hereby appointed Council men of the Village of Simpson, and Mayor and Council until their successors are elected and qualify pursuant to this Charter.

### **SECTION 3.2 MAYOR AND MAYOR PRO TEMPORE.**

(a) The Mayor shall be selected by the Council from its own membership to serve at its pleasure. In the case of a vacancy in the office of Mayor, the Council shall by appointment fill the vacancy for the unexpired term. The Mayor shall be the official head of the Village government and shall preside at all meetings of the Village Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him:

- (1) by the general laws of North Carolina
- (2) by this Charter
- (3) by the ordinances of the Village Council

(b) The council shall choose one of its members to act as Mayor Pro Tempore, and such person shall perform the, duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such, shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

### **SECTION 3.3 COMPOSITION OF VILLAGE COUNCIL.**

The Village Council shall consist of three (3) members to be elected by and from the qualified voters of the Village of Simpson voting at large in the manner provided by Article IV of this Charter.

### **SECTION 3.4 TERMS; QUALIFICATIONS; VACANCIES.**

(a) Except for the initial terms of office, the members of the Village Council shall serve for terms of two (2) years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successor are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as a member of the Village Council, or to serve in such capacity, unless the person is a resident and a qualified voter of the Village.

(c) If any person is elected to the Council and shall refuse to qualify, or if there shall be any vacancy in the membership of Council after the election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any person so appointed to the Council shall have the same authority and powers as if regularly elected.

### **SECTION 3.5 COMPENSATION OF MAYOR AND MEMBERS OF COUNCIL.**

The Village Council may fix its own compensation and allowances, and the compensation and allowances of the Mayor, in such sums as may be just and reasonable, effective following the next regular municipal election for seats on the Village Council. The compensation and allowances of the Mayor shall not be reduced during the then current term of office.

### **SECTION 3.6 ORGANIZATION OF COUNCIL; OATHS OF OFFICE.**

The Village Council shall meet and organize for the transaction of business at the first regularly scheduled meeting of the Council following each biennial election. Before entering upon their offices, the Mayor and each member of the Council shall take, subscribe, and have entered upon the minutes of the Council the following oath of office:

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

### **SECTION 3.7 MEETING OF COUNCIL.**

The Village Council shall fix by ordinance suitable times for its regular meetings, which shall be no less frequent than one meeting per month. Special meetings may be held on the call of the Mayor or a majority of the members of the Council, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

#### **SECTION 3.7.1 RULES OF ORDER.**

The current issue of Robert's Rules of Order, not inconsistent with this Charter, shall constitute the Rules of Order of meetings of the Council.

### **SECTION 3.8 QUORUM; VOTES.**

(a) A majority of the members elected to the Village Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance. The number required for a quorum shall not be affected by vacancies.

(b) The affirmative vote of a majority of the members of the Village Council shall be necessary to adopt any ordinance or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

### **SECTION 3.9 ORDINANCES AND RESOLUTIONS.**

The adoption, amendment, repeal, pleading or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be:

"BE IT ORDAINED by the Council of the Village of Simpson"

All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

## **ARTICLE IV. ELECTION PROCEDURE**

### **SECTION 4.1 REGULAR MUNICIPAL ELECTIONS.**

Regular municipal elections shall be held on the Tuesday after the first Monday in November of each odd-numbered year, beginning in 1975. In the regular election of 1975, there shall be elected three (3) members of the Council. Beginning in the regular election in 1975, and in subsequent elections all terms shall be for two (2) years.

### **SECTION 4.2 REGULATION OF ELECTIONS.**

All municipal elections shall be conducted by the Pitt County Board of Elections in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided. The municipal elections shall be non-partisan and decided by a simple plurality. No primary election shall be held.

## **ARTICLE V. VILLAGE ATTORNEY**

### **SECTION 5.1 APPOINTMENT, QUALIFICATIONS, TERM, COMPENSATION.**

The Village Council shall appoint a Village Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Village during tenure. The Village Attorney shall serve at the

pleasure of the Village Council and shall receive such compensation as the Council shall determine.

## **SECTION 5.2 DUTIES OF THE VILLAGE ATTORNEY.**

It shall be the duty of the Village Attorney to prosecute and defend suits for and against the Village; to advise the Mayor, Village Council and other village officials with respect to the affairs of the Village; to draw all legal documents relating to the affairs of the Village; to draw all proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Village may be concerned; to attend meetings of the Village Council when requested; and to perform such other duties as may be required by virtue of the position of Village Attorney.

## **ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES**

### **SECTION 6.1 VILLAGE CLERK.**

The Village Council shall appoint a clerk to keep a journal of the proceedings of the Council and to maintain in a safe place all records and documents pertaining to the affairs of the Village and to perform such other duties as may be required by law or as the Council may direct.

### **SECTION 6.2 VILLAGE TAX COLLECTOR.**

The Village Council shall appoint a Tax Collector to collect all taxes, licenses, fees and other monies belonging to the Village subject to the provisions of this Charter and the ordinances of the Village, and shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

### **SECTION 6.3 VILLAGE FINANCE OFFICER.**

The Village Council may appoint a Village Finance Officer to perform the duties of the Finance officer as required by the Local Government Budget and Fiscal Control Act.

### **SECTION 6.4 CONSOLIDATION OF FUNCTIONS.**

The Village Council may in its discretion consolidate the functions of any two or more of the positions of Clerk, Tax Collector and Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Council may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions in lieu of appointing several persons to perform the same.

### **SECTION 6.5 OTHER EMPLOYEES.**

The Village Council may create and fill by appointment such other positions as it deems advisable to ensure the efficient administration of the Village's affairs, and may, in its discretion appoint a person to supervise all Village departments and may delegate such person the power of appointment and removal of department heads and employees, other than the Village Attorney.

## **ARTICLE VII. FINANCE**

### **SECTION 7.1 CUSTODY OF VILLAGE MONEY.**

All monies received by the Village for and in connection with the business of the Village government shall be paid promptly into the Village depository. Such institution shall be designated by the Village Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on monies belonging to the Village shall accrue to the benefit of the Village. All monies belonging to the Village shall be disbursed only in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

### **SECTION 7.2 ISSUANCE OF BONDS.**

The Village may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

### **SECTION 7.3 PURCHASES AND CONTRACTS.**

Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

### **SECTION 7.4 INDEPENDENT AUDIT.**

As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Village Government by a certified public accountant or an accountant certified by the Local Government Commission who shall have no personal interest directly or indirectly in the affairs of the Village or any of its officers. The Village Council shall select the public accountant and the results of such audit shall be made available for inspection by any interested citizen of the Village and may be published if so ordered by the Village Council.

### **SECTION 7.5 TAXATION.**

The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Village for the fiscal year 1975-76 and subsequent years. The Village may obtain from Pitt County, and the Pitt County Tax Supervisor shall provide upon request, a record of property within the corporate limits which was listed for taxation as of January 1, 1975.

## ARTICLE VIII. CLAIMS AGAINST THE VILLAGE

### SECTION 8.1 TORT CLAIMS.

All claims or demands against the Village arising in tort shall be presented to the Village Council in writing, signed by the claimant or attorney or agent for claimant within ninety (90) days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within thirty (30) days or after the expiration of twelve (12) months from the time such claim or demand is presented. Unless the said claim or demand is so presented within ninety (90) days and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

## ARTICLE IX. EFFECTIVE DATE

This Charter shall be effective at twelve o'clock noon on the fourteenth day of April, 1975.

# TITLE I: GENERAL PROVISIONS

Chapter

## 10. RULES OF CONSTRUCTION; GENERAL PENALTY

## 11. VILLAGE STANDARDS

### CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 Title of code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of interpretation
- 10.07 Severability
- 10.08 Reference to other sections
- 10.09 Reference to offices
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- 10.12 Reasonable time; computing time
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- 10.17 Ordinances which amend code; effect of new ordinances
- 10.18 Section histories; section headings; statutory references
  
- 10.99 General penalty

#### § 10.01 TITLE OF CODE.

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

## § 10.02 INTERPRETATION.

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

## § 10.03 APPLICATION TO FUTURE ORDINANCES.

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

## § 10.04 CAPTIONS.

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

## § 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

**CHARTER.** The Charter of the Village of Simpson, North Carolina.

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

**COMPUTATION OF TIME.** The time within which an act is to be done shall be computed by excluding the first and the last day; and, if the last day is Saturday, Sunday or a legal holiday, that day shall be excluded.

**COUNCIL.** The Mayor and Council, or governing body, of the Village of Simpson, North Carolina.

**COUNTY.** The County of Pitt, North Carolina.

**G.S. or GENERAL STATUTES.** The latest edition of the **GENERAL STATUTES** of North Carolina, as amended.

**GENDER.** Words importing the masculine gender shall include the feminine and neuter.

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

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

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

**MONTH.** A calendar month.

**NUMBER.** Words used in the singular include the plural, and the plural includes the singular number.

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

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

**OFFICIAL TIME STANDARD.** Whenever certain hours are named in this code, they shall mean standard time or daylight saving time as may be in current use in the village.

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

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

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

**PRECEDING or FOLLOWING.** Next before or next after, respectively.

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

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

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

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

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

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

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

**SUBCHAPTER**.

(a) A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading.

(b) Not all chapters have **SUBCHAPTERS**.

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

**TENSE**. Words used in the past or present tense include the future as well as the past and present.

**VILLAGE**. The Village of Simpson, in the County of Pitt, North Carolina.

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

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

**Statutory reference:**

*Computation of time, see G.S. § 1-593*

**§ 10.06 RULES OF INTERPRETATION.**

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

(A) **AND** or **OR**. Either conjunction shall include the other as if written “and/or”, if the sense requires it.

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

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

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

**§ 10.07 SEVERABILITY.**

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

**§ 10.08 REFERENCE TO OTHER SECTIONS.**

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

**§ 10.09 REFERENCE TO OFFICES.**

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

**§ 10.10 ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, that spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

**§ 10.11 OFFICIAL TIME.**

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



## § 10.12 REASONABLE TIME; COMPUTING TIME.

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

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

## § 10.13 ORDINANCES REPEALED.

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

## § 10.14 ORDINANCES UNAFFECTED.

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

(B) Nothing in this code or the ordinance adopting this code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the village or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness;

(3) Any contract or obligation assumed by the village;

(4) Any ordinance fixing the salary of any village officer or employee;

(5) Any right or franchise granted by the village;

(6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving and the like, any street or public way in the village;

(7) Any appropriation ordinance;

(8) Any ordinance which, by its own terms, is effective for a stated or limited term;

(9) Any ordinance providing for local improvements and assessing taxes therefor;

(10) Any zoning ordinance or zoning map amendment;

(11) Any ordinance dedicating or accepting any subdivision plat;

(12) Any ordinance describing or altering the boundaries of the village;

(13) The administrative ordinances or resolutions of the village not in conflict or inconsistent with the provisions of this code;

(14) Any ordinance levying or imposing taxes not included herein;

(15) Any ordinance establishing or prescribing street grades in the village; and/or

(16) Any personnel ordinance.

(C) Nor shall any ordinance be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter; and all ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

### **Statutory reference:**

*Statutes not repealed by General Statutes, see G.S. § 164-7*

## § 10.15 EFFECTIVE DATE OF ORDINANCES.

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

## § 10.16 REPEAL OR MODIFICATION OF ORDINANCES.

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

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

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

#### **§ 10.17 ORDINANCES WHICH AMEND CODE; EFFECT OF NEW ORDINANCES.**

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

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

(C) If a new section not heretofore existing in the code is to be added, language substantially similar to the following shall be used: "The Code of Ordinances, Village of Simpson, North Carolina, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section shall read as follows:...." The new section shall then be set out in full as desired.

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

#### **§ 10.18 SECTION HISTORIES; SECTION HEADINGS; STATUTORY REFERENCES.**

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

(B) (1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute. Example: (G.S. § 160A-11) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

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

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

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

##### **Statutory reference:**

*Inspection of public records, see G.S. §§ 132-1 et seq.*

(C) If a section of this code is derived from the prior code of ordinances of the village, the prior code section number shall be indicated in the history by "(Prior Code, § \_\_\_\_)." The history notes following sections and the references scattered throughout the code are not part of the code, but are merely for the benefit for the user of the code.

#### **§ 10.99 GENERAL PENALTY.**

Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

(G.S. § 14-4(a))

##### **Statutory reference:**

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

## **CHAPTER 11: VILLAGE STANDARDS**

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Section

11.01 Village seal

#### **§ 11.01 VILLAGE SEAL.**

(A) The village seal shall be a circle, within which and following the arc at the top shall be the words "Village of Simpson" and following the arc at the bottom shall be the initials "N.C."; and within such circle shall be an inner circle with words and figures, "INCORPORATED 1975" together with a representation of a scroll, depicting the Village Charter.

(B) The Village Clerk shall be custodian of the village seal.

(C) The village seal shall be affixed to all documents which are required by law or by the Village Council to be attested thereby.

(Prior Code, § 1-8)

## TITLE III: ADMINISTRATION

Chapter

- 30. VILLAGE COUNCIL
- 31. OFFICIALS AND EMPLOYEES
- 32. FINANCE AND REVENUE; TAXATION
- 33. CIVIL EMERGENCIES
- 34. GENERAL ADMINISTRATIVE POLICIES

### CHAPTER 30: VILLAGE COUNCIL

Section

- 30.01 Days for regular meetings
- 30.02 Order of business at regular meetings
- 30.03 Called meetings
- 30.04 Conduct of meetings generally; duty of Mayor at meetings
- 30.05 Rules of order
- 30.06 Majority vote required for appropriation of money or enactment, alteration of ordinance and the like at other than regular meetings
- 30.07 Committees

#### § 30.01 DAYS FOR REGULAR MEETINGS.

There shall be a regular meeting of the Village Council on the third Monday in each month beginning at 7:00 p.m. There shall not be regular meetings held during the months of July and August; July and August meetings are held if necessary.

(Prior Code, § 2-7) (Ord. passed 6-20-1994)

#### § 30.02 ORDER OF BUSINESS AT REGULAR MEETINGS.

(A) The order of business at a regular meeting of the Village Council shall be as follows:

- (1) Reading of the minutes of the last regular and intervening meetings and correcting and improving such minutes;
- (2) Unfinished business;
- (3) Communications, resolutions and grievances;
- (4) Report of committees;
- (5) Report of Village Clerk;
- (6) Report of Mayor; and
- (7) Motions, resolutions and ordinances.

(B) If the Village Council directs any matter to be the special business of a future meeting, such matter shall have precedence over all other business at such meeting.

(C) The Mayor, in advance of the regular meetings of the Council, shall prepare and deliver to each member of the Council an agenda of matters coming before the Council at such meeting, and the Mayor shall direct the order of business.

(Prior Code, § 2-8)

### § 30.03 CALLED MEETINGS.

(A) The Mayor, the Mayor Pro Tempore or any two members of the Village Council may, at any time, call a special meeting by causing a written notice, signed by the person calling the meeting, stating the time of such meeting and the purposes thereof, to be delivered in hand to each Council member or left at his or her usual dwelling place six hours before the time of such meeting.

(B) Meetings of the Village Council may also be held at any time when all members of the Council are present and consent thereto.

(Prior Code, § 2-9)

### § 30.04 CONDUCT OF MEETINGS GENERALLY; DUTY OF MAYOR AT MEETINGS.

(A) At the hour appointed for the meeting of the Village Council, the Mayor shall take the chair and direct a call of the members by the Village Clerk who shall note those present and absent.

(B) If a quorum is not present, the Mayor shall send for the absentees and, upon the appearance of a quorum, shall call the meeting to order and proceed with the dispatch of business, but if a quorum shall fail to attend, the meeting shall stand adjourned.

(C) The Mayor shall preserve order and decorum and shall decide all questions of order, subject to the right of appeal of any member of the Council.

(Prior Code, § 2-10)

### § 30.05 RULES OF ORDER.

Except as may be provided otherwise by rule or resolution of the Village Council in any particular instance, *Robert's Rules of Order*, current edition, shall govern the parliamentary procedure of the Village Council.

(Prior Code, § 2-11)

### § 30.06 MAJORITY VOTE REQUIRED FOR APPROPRIATION OF MONEY OR ENACTMENT, ALTERATION OF ORDINANCE AND THE LIKE AT OTHER THAN REGULAR MEETINGS.

No proposition to appropriate money, to alter or repeal any ordinance or rule of the Village Council or to establish any new ordinance or rule shall be made or decided at any other than a regular meeting of the Council, except by a majority vote of all the members of the Council.

(Prior Code, § 2-12)

### § 30.07 COMMITTEES.

The Village Council, by resolution from time to time, may provide for the establishment of standing and special committees of the Council, with such powers and duties as the Council may consider appropriate.

(Prior Code, § 2-13)

## CHAPTER 31: OFFICIALS AND EMPLOYEES

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### Section

#### ***General Provisions***

- 31.01 Appointment and terms
- 31.02 Bonds required of certain personnel; blanket fidelity bonds
- 31.03 Ordinances and resolutions; entered into book; notation of amendments, repeals
- 31.04 Contracts for construction and repair work; purchases of supplies and the like

#### ***Superintendent of Public Works***

- 31.15 Control of work in and on streets; street maintenance, garbage, refuse and vegetation selection
- 31.16 Cemetery maintenance
- 31.17 Trimming trees on sidewalks
- 31.18 Trucks, equipment and the like owned by the village
- 31.19 Powers as special police officer; power to arrest

31.20 Monthly report to Mayor; duty to give information

31.21 Collecting garbage

## GENERAL PROVISIONS

### § 31.01 APPOINTMENT AND TERMS.

The Village Council, at its first regular meeting in December, shall appoint a Village Clerk and a Village Attorney who shall hold their positions at the pleasure of the Council. Except as otherwise provided by the Charter or by law, all other officers and employees of the village shall be appointed by the Village Council to serve at its pleasure.

(Prior Code, § 2-1) (Ord. passed 6-20-1994)

### § 31.02 BONDS REQUIRED OF CERTAIN PERSONNEL; BLANKET FIDELITY BONDS.

(A) Every officer, employee or agent of the village who handles or has custody of more than \$100 of the village's funds at any time shall, before assuming the duties as such, be required to enter into bond with good sureties, in an amount sufficient to protect the village (as determined by the Village Council), payable to the village and conditioned upon, the faithful performance of the duties and a true accounting for all funds of the village which may come into the hands, custody or control, which bond shall be approved by the Village Council and deposited with the village; except that, such bond of any employee or employees may, in the discretion of the Village Council, be conditioned only upon a true accounting for funds of the village; provided that, the Village Council may, by resolution, adopt a system of blanket faithful performance or honesty bonding as an alternative to individual bonds, except as to the Village Clerk.

(B) Village police officers and village personnel having authority to make arrests, carry weapons or to make inspections shall be bonded as provided in division (A) above, and a condition of such bond shall be to save harmless the village against all actions, suits, claims and demands whatever by reason of any act or omission of the bonded person in the performance of official duty.

(C) In addition to the approval required by division (A) above, all bonds shall be approved as to form by the Village Attorney.

(D) The premium on official bonds shall be paid by the village.

(Prior Code, § 2-2)

### § 31.03 ORDINANCES AND RESOLUTIONS; ENTERED INTO BOOK; NOTATION OF AMENDMENTS, REPEALS.

(A) *Ordinances entered in book.*

(1) The Village Clerk shall enter in a well-bound book copies of all ordinances passed by the Council.

(2) The book in which ordinances are thus entered shall be known as the "Ordinances at Large of the Village of Simpson, North Carolina", and shall be indexed.

(Prior Code, § 2-3)

(B) *Notation of amendments and repeals.* The Village Clerk shall write on the first page of every ordinance which has been amended or repealed, as the case may be, the word "amended" or "repealed", with a reference to the page of the ordinance book where the amending or repealing ordinance can be found.

(Prior Code, § 2-4)

(C) *Certain resolutions to be entered in book; notation of amendments and repeals.*

(1) The Village Clerk shall enter in a well-bound book copies of all resolutions of the Village Council which are of general and permanent nature. The book in which such resolutions are entered shall be known as the "General Resolutions of the Village Council of the Village of Simpson, North Carolina", and shall be indexed.

(2) The Village Clerk shall write on the first page of every such resolution which has been amended or repealed, as the case may be, the word "amended" or "repealed", with reference to the page of the resolutions book where the amending or repealing resolution can be found.

(Prior Code, § 2-5)

### § 31.04 CONTRACTS FOR CONSTRUCTION AND REPAIR WORK; PURCHASES OF SUPPLIES AND THE LIKE.

(A) The Mayor shall prepare rules and regulations for the letting of contracts for construction and repair work which is to be done for the village under contract, and for the purchase or rental by the village of apparatus, supplies, materials and equipment; provided that, no contract for construction or repair work or for the purchase or rental of apparatus, supplies, materials or equipment involving the expenditure of public money in the amount of \$500 or more, but less than \$2,500, shall be made until after informal bids have been secured; and, provided further that, all such contracts shall be awarded to the lowest responsible bidder, taking into consideration quality, performance and the time specified in the bids for the performance of the contract; and, provided further that, such rules and regulations, as they apply to contracts or purchases amounting to \$2,000 or more, shall be consistent with the provisions of G.S. § 143-129.

(B) Rules and regulations made pursuant to division (A) above, when approved by resolution of the Village Council and promulgated by the Village Council, shall have the force and effect of an ordinance.

(C) It shall be the duty of each village officer entering into a contract pursuant to the rules and regulations of the Village Council to keep a record of all bids submitted, and such record shall be subject to public inspection during all regular office hours.

(Prior Code, § 2-6)

## **SUPERINTENDENT OF PUBLIC WORKS**

### **§ 31.15 CONTROL OF WORK IN AND ON STREETS; STREET MAINTENANCE, GARBAGE, REFUSE AND VEGETATION SELECTION.**

The Superintendent of Public Works, under the supervision and direction of the Mayor, shall have full control of the work in and upon the streets of the village with full authority and power to hire and discharge labor, and do all things that may be necessary from time to time for the proper maintenance of village streets, subject always to the approval of the Mayor.

(Prior Code, § 2-34)

### **§ 31.16 CEMETERY MAINTENANCE.**

The Superintendent of Public Works, subject to the orders and directions of the Mayor, shall keep the cemeteries free and clear of all rank vegetation and undergrowth, maintain the walks thereof in good condition, and hire all labor necessary for the proper maintenance of the cemeteries.

(Prior Code, § 2-35)

### **§ 31.17 TRIMMING TREES ON SIDEWALKS.**

The Superintendent of Public Works shall keep the shade trees on the sidewalks properly trimmed, so that they may not interfere with the rights of pedestrians.

(Prior Code, § 2-36)

### **§ 31.18 TRUCKS, EQUIPMENT AND THE LIKE OWNED BY THE VILLAGE.**

The Superintendent of Public Works shall have full charge and control of all trucks, sweepers, tractors, tools, machinery and other implements owned by the village and shall, by duly prescribed administrative procedure, obtain all things necessary for the proper maintenance of such trucks, sweepers, tractors, tools and the like and keep the same in good condition, under the direction of the Mayor.

(Prior Code, § 2-37)

### **§ 31.19 POWERS AS SPECIAL POLICE OFFICER; POWER TO ARREST.**

The Superintendent of Public Works shall be invested with the powers of a special police officer and shall have the right and power to arrest, within the police jurisdiction of the village, any person guilty of violation of any of this code or other ordinance or regulation enacted by the village or of any law of the state.

(Prior Code, § 2-38)

### **§ 31.20 MONTHLY REPORT TO MAYOR; DUTY TO GIVE INFORMATION.**

The Superintendent of Public Works shall render to the Village Council, prior to each regular monthly meeting of the Council, a report of all services he or she has rendered and all amounts that he or she has expended and, at all times, he or she shall give such information pertaining to his or her several duties as he or she may be called upon to give from time to time by the Mayor.

(Prior Code, § 2-39)

### **§ 31.21 COLLECTING GARBAGE.**

The Superintendent of Public Works shall collect and supervise the collection of garbage, refuse and vegetation and shall employ such assistants and labor as needed, subject always to the approval of the Mayor.

(Prior Code, § 2-40)

## **CHAPTER 32: FINANCE AND REVENUE; TAXATION**

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Section

32.01 Payment of money from Village Treasury; order of Council

- 32.02 Warrants to state purpose; signing warrants
- 32.03 Monthly statement of Village Clerk as to special taxes collected
- 32.04 When annual taxes to be levied

**§ 32.01 PAYMENT OF MONEY FROM VILLAGE TREASURY; ORDER OF COUNCIL.**

No money shall be paid out of the Village Treasury unless by order of the Village Council.

(Prior Code, § 2-14)

**§ 32.02 WARRANTS TO STATE PURPOSE; SIGNING WARRANTS.**

(A) All warrants for the payment of money from, the Village Treasury shall state, upon the face thereof, the nature of the claim for which drawn and shall be signed by a member of the Village Council and the Village Clerk.

(B) In the absence of or disability of either or both a member of the Village Council and the Village Clerk, the person or persons designated by the Village Council to act in the stead of the person or persons, absent or disabled, shall sign warrants upon the Village Treasury.

(Prior Code, § 2-15) (Ord. passed 6-20-1994)

**§ 32.03 MONTHLY STATEMENT OF VILLAGE CLERK AS TO SPECIAL TAXES COLLECTED.**

The Village Clerk shall, at each regular meeting of the Village Council, file a statement of all licenses and other special taxes collected for the preceding month.

(Prior Code, § 2-17)

**§ 32.04 WHEN ANNUAL TAXES TO BE LEVIED.**

The annual taxes of the village shall be levied by the Village Council in accordance with the provisions of the laws of the state.

(Prior Code, § 2-18)

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**CHAPTER 33: CIVIL EMERGENCIES**

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Section

***General Provisions***

- 33.01 When deemed to exist
- 33.02 Proclamation by Mayor; imposition of curfew
- 33.03 Curfew; where and to whom to be made applicable
- 33.04 Curfew violation prohibited
- 33.05 Termination of emergency and curfew

***Continuity of Government***

- 33.20 Purpose and authority
- 33.21 Short title
- 33.22 Designation of emergency interim successors to officers
- 33.23 Officers for whom successors to be designated
- 33.24 Emergency interim successors; qualifications; status; term; replacement
- 33.25 Filing and publication
- 33.26 Notification of other public authorities
- 33.27 Information from other jurisdictions
- 33.28 Assumption of powers and duties of principal by emergency interim successors

**GENERAL PROVISIONS**

**§ 33.01 WHEN DEEMED TO EXIST.**

A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, the village public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property within the village.

(Prior Code, § 2-19)

### **§ 33.02 PROCLAMATION BY MAYOR; IMPOSITION OF CURFEW.**

In the event of an existing or threatened state of emergency endangering the lives, safety, health or welfare of the people within the village or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such state of emergency and, in order more effectively to protect the lives, safety and property of people within the village, to define and impose a curfew applicable to all persons within the jurisdiction of the village.

(Prior Code, § 2-20)

### **§ 33.03 CURFEW; WHERE AND TO WHOM TO BE MADE APPLICABLE.**

The Mayor is hereby authorized and empowered to limit the application of such a curfew to any specific area designated and described with the village and to specific hours of day or night; and to exempt from the curfew police officers, firefighters, doctors, nurses and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people with the village.

(Prior Code, § 2-21)

### **§ 33.04 CURFEW VIOLATION PROHIBITED.**

During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew:

- (A) To be or travel upon any public street or upon public property, unless in search of medical assistance, food or other commodity or service necessary to sustain the well-being of himself or herself or his or her family or some member thereof;
- (B) To possess, off one's own premises, buy, sell, give away or otherwise transfer or dispose of any explosive, firearm, ammunition or dangerous weapon of any kind;
- (C) To sell beer, wine or intoxicating beverages of any kind, or to possess or consume the same off one's own premises;
- (D) To sell gasoline or any other similar petroleum product, or any other inflammable substance, except as expressly authorized by the provisions of the curfew imposed; and
- (E) To violate any other provision of such proclaimed curfew.

(Prior Code, § 2-22) Penalty, see § 10.99

### **§ 33.05 TERMINATION OF EMERGENCY AND CURFEW.**

The Mayor shall proclaim the end of such state of emergency and the curfew as soon as circumstances warrant or when directed to do so by the Village Council.

(Prior Code, § 2-23)

## **CONTINUITY OF GOVERNMENT**

### **§ 33.20 PURPOSE AND AUTHORITY.**

Because of existing possibility of an attack upon the United States of unprecedented size and destructiveness, including the inevitable hazards of radioactive contamination, and in order, in the event of such an attack, to assure the continuation of effective, legally constituted leadership, authority and responsibility in the offices of the government of the village, it is found and declared by the Village Council to be necessary to provide for emergency interim officers who can exercise the powers and discharge the duties of the key executive, administrative, legislative and judicial offices of the village in the event that the incumbents thereof are unable to perform the duties and functions of their offices; and this subchapter is, therefore, enacted pursuant to the authority conferred by G.S. Ch. 162B.

(Prior Code, § 2-24)

### **§ 33.21 SHORT TITLE.**

This subchapter shall be known and may be cited as the "Continuity of Government Ordinance of the Village of Simpson".

(Prior Code, § 2-25)

### **§ 33.22 DESIGNATION OF EMERGENCY INTERIM SUCCESSORS TO OFFICERS.**

Within 30 days following each general village election and after first entering upon the duties of office, the Village Council shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to village officers



and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors of combination thereof for each duly elective and appointive office in the village government.

(Prior Code, § 2-26)

### **§ 33.23 OFFICERS FOR WHOM SUCCESSORS TO BE DESIGNATED.**

Offices within the purview of this subchapter shall include Mayor, each member of the Village Council, Village Clerk, Village Treasurer, Village Attorney and such others as the Village Council may deem prudent to be included.

(Prior Code, § 2-27)

### **§ 33.24 EMERGENCY INTERIM SUCCESSORS; QUALIFICATIONS; STATUS; TERM; REPLACEMENT.**

(A) No person shall be designated or serve as an emergency interim successor unless he or she may, under the Constitution and statutes of the state, the Village Charter and this code, hold the office of the person to whose powers and duties he or she is designated to succeed; but no provision of this code or other ordinance prohibiting an officer or employee of the village from holding another office shall be applicable to an emergency interim successor.

(Prior Code, § 2-28)

(B) A person designated as an emergency interim successor holds that designation at the pleasure of the designator; provided that, the person must be replaced if removed. The person retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

(Prior Code, § 2-29)

### **§ 33.25 FILING AND PUBLICATION.**

The name and address in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the Village Clerk. The Village Clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors and it shall be open to public inspection.

(Prior Code, § 2-30)

### **§ 33.26 NOTIFICATION OF OTHER PUBLIC AUTHORITIES.**

(A) The name and address, in order of succession, of each authorized deputy and emergency interim successor shall be certified by the Village Clerk and forwarded by the Clerk to the public officers mentioned in division (B) below as soon as practicable after the Village Council meeting following each regular village election, and thereafter from time to time as changes occur.

(B) Officers to whom such names and addresses shall be supplied shall be the Secretary of State of this state, the Clerk of Superior Court of the county and such other federal, state or municipal officers as may at any time be designated by the Village Council, the Mayor, the Village Attorney or the Village Clerk, on the basis of a possible need to know.

(Prior Code, § 2-31)

### **§ 33.27 INFORMATION FROM OTHER JURISDICTIONS.**

The Village Clerk, within the capabilities and limitations of the office, shall endeavor to collect and file information as to deputies and emergency interim successors of the county and state government, and such federal agencies, if any, with which the village transacts business.

(Prior Code, § 2-32)

### **§ 33.28 ASSUMPTION OF POWERS AND DUTIES OF PRINCIPAL BY EMERGENCY INTERIM SUCCESSORS.**

If, in the event of an attack any officer named in §33.23 of this chapter is unavailable, the senior available emergency interim successor shall exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer becomes available or a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

(Prior Code, § 2-33)

#### **Statutory reference:**

*Providing that "no person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law (other than oath of office) relative to taking office", see G.S. § 162B-10*

Section

34.01 Municipal elections; absentee voting

34.02 Construction contracts; participation by minority-owned businesses

34.03 Disposing personal property

**§ 34.01 MUNICIPAL ELECTIONS; ABSENTEE VOTING.**

Absentee voting shall be permitted in municipal elections in the village, including primary, general elections or referendums.

(Res. passed 8-1-2007)

**§ 34.02 CONSTRUCTION CONTRACTS; PARTICIPATION BY MINORITY-OWNED BUSINESSES.**

(A) The village shall have a verifiable goal of 10% for participation by minority businesses in building construction contracts awarded pursuant to G.S. § 143-128.2.

(B) (1) The official, employee or agent responsible for advertising such contracts shall compile a list of minority businesses within the bidding area, using information obtained from the state's Department of Economic and Community Development, Minority Business Development Agency or from other institutions or agencies providing such information.

(2) This list shall be updated on an annual basis and shall be available so that minority businesses will have the opportunity to add their names to the list. Copies of the resolution codified herein shall be transmitted to the businesses on the list as soon as practicable along with the name of the official, employee or agent who shall serve as the contact person for minority businesses and be responsible for answering project related questions posed by minority businesses.

(C) For each building contract put out for bids under the separate specification or the single prime contract systems, notice of the contract shall be transmitted to minority businesses on the above list.

(D) For each building contract put out for bids under the separate specification or single prime contract systems, documents related to the contract shall be available for inspection at a convenient and accessible location of which minority businesses shall receive notice.

(E) For each building contract put out for bids under the separate specification or single prime contract systems, the contract person designated pursuant to division (C) above shall hold a pre-bid conference to orient contractors and subcontractors to the policy expressed in this section as well as bid procedures and regulations. Minority businesses on the list obtained and maintained as provided herein shall be notified of and invited to these pre-bid conferences.

(F) For each such building contract put out for bids under the separate specifications or single prime contract system, published notice of the contract shall include a summary of this section.

(G) For any such building contract put out for bids under the separate specification contract system, the contact person designated herein shall maintain records with respect to:

(1) Those contractors or subcontractors notified of the project and the number of these contractors and subcontractors that are minority businesses, as defined in G.S. § 143-128, appearing on the list of minority businesses maintained pursuant to division (G)(2) below;

(2) Those contractors or subcontractors that bid or otherwise respond to notice of the project and the number of these that are on the maintained list of minority businesses;

(3) Those contractors or subcontractors awarded contracts as part of the project and the number and identity of those that are on the list of minority businesses; and

(4) The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this section.

(H) For any such building contract put out for bids under the single prime contract system, the single prime contractor shall:

(1) Notify those minority businesses appearing on the list of minority businesses maintained pursuant to division (B) above of the portion of the project which will be subcontracted by the single contractor and solicit bids from those minority businesses;

(2) Submit with his or her bids records with respect to:

(a) Those subcontractors notified of the project and of those elements of the project for which subcontracts will be let and the number of these subcontractors that are minority businesses, as defined in G.S. § 143-128, appearing on the list of minority businesses maintained pursuant to division (B) above; and

(b) Those subcontractors that bid or otherwise respond to notice of the project and the number of these that are on the maintained list of minority businesses.

(3) Those subcontractors awarded contracts as part of the project and the number and identity of those that are on the

maintained list of minority businesses; and

(4) The percentage of work on the project that is to be performed by minority businesses appearing on the list maintained pursuant to this section.

(I) These policies shall be a part of the request for proposals for any such contract, and non-compliance by any single prime bidder shall be grounds for declaring the bid non-responsive.

(Res. passed 2-18-2008)

### **§ 34.03 DISPOSING PERSONAL PROPERTY.**

(A) The Mayor is hereby authorized to dispose of any surplus personal property owned by the village, whenever he or she determines, in his or her discretion, that:

(1) The item or group of items has a fair market value of less than \$2,500;

(2) The property is no longer necessary for the conduct of public business; and

(3) Sound property management principles and financial considerations indicate that the interests of the village would best be served by disposing of the property.

(B) The Mayor may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including, but not limited to, the methods of sale provided in G.S. Ch. 160A, Art. 12. Such sale may be public or private, and with or without notice and minimum waiting period.

(C) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the village if greater value may be obtained in that manner, and the Mayor is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Mayor may retain the property, obtain any reasonably available salvage value or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization, except by resolution of the Village Council. No surplus property may be purchased by the Mayor or his or her family or by other employees of the village and their families, except by resolution of the Village Council.

(D) The Mayor shall keep a record of all property sold under authority of this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

(Ord. 18-O-2, passed 4-16-2018)

## **TITLE V: PUBLIC WORKS**

Chapter

### **50. WATER AND SEWER**

## **CHAPTER 50: WATER AND SEWER**

Section

50.01 Schedule of fees and charges

### **§ 50.01 SCHEDULE OF FEES AND CHARGES.**

The village will adopt a schedule of water and sewer fees and charges that equals or exceeds 1.5% of the median household income for a residential customer consuming 5,000 gallons per month.

(Res. passed 12-8-2008)

## **TITLE VII: TRAFFIC CODE**

Chapter

### **70. VEHICLE REGISTRATION; LICENSE PLATES**

### **71. RECREATIONAL VEHICLES**

## **CHAPTER 70: VEHICLE REGISTRATION; LICENSE PLATES**

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Section

- 70.01 Registration of vehicles; fee
- 70.02 Issuance; duplicates
- 70.03 Transferability
- 70.04 Display
- 70.05 Operation without plate; use of plate on another vehicle

**§ 70.01 REGISTRATION OF VEHICLES; FEE.**

(A) Every resident motor vehicle operated in the village, except motor vehicles temporarily operated for a period of time not exceeding a total of 14 days during any one year, and except motor vehicles operated for display or exhibition purposes by manufacturers or dealers and displaying dealers' license plates issued by the state, shall be registered with the Village Clerk.

(B) The period of registration shall include the 12 months from January 1 to December 31.

(C) The fee for registration shall be \$2, which shall be added to the ad valorem tax bill due to the village by the resident.

(Prior Code, § 6-1) (Ord. passed 6-20-1994)

**§ 70.02 ISSUANCE; DUPLICATES.**

(A) For every motor vehicle registered as required by this chapter, the Village Clerk shall issue to the person registering such vehicle an appropriate license plate.

(B) Upon satisfactory evidence that any such registration number has been lost or destroyed, the Village Clerk shall issue to the owner or operator of such registered vehicle a duplicate thereof, for which there shall be paid a fee of \$0.50.

(Prior Code, § 6-2)

**§ 70.03 TRANSFERABILITY.**

A license plate issued pursuant to this chapter shall not be transferred from one vehicle to another and shall not be used by any person upon any motor vehicle, except the one for which it was issued, nor shall it be used upon such vehicle, except as long as such vehicle remains the property of the person to whom it belongs at the time of registration and in whose name it was registered; provided that, where a motor vehicle has been fully registered and the license plate has been properly issued for such vehicle, the owner of such vehicle may, upon the sale or exchange thereof, transfer the license plates assigned to such vehicle to the purchaser of such vehicle by registering such transfer with the Village Clerk and upon such transfer, the transferee of such license plate shall be entitled to use the same upon the vehicle purchased.

(Prior Code, § 6-3)

**§ 70.04 DISPLAY.**

There shall be displayed on every motor vehicle driven or operated, for which registration under this chapter is required, the license plate issued therefor, in such manner as to be visible at all times. Every such license plate shall be displayed throughout the current year for which it is issued.

(Prior Code, § 6-4) Penalty, see § 10.99

**§ 70.05 OPERATION WITHOUT PLATE; USE OF PLATE ON ANOTHER VEHICLE.**

It shall be unlawful to operate a motor vehicle upon or over the streets of the village without a license plate issued pursuant to this chapter. It shall be unlawful to use or display any such license plate, whether the original or a duplicate, on or upon any other motor vehicle than that for which such plate was issued. Each day such plate is misused or such vehicle is operated upon any streets of the village without a proper village license plate shall constitute a separate offense.

(Prior Code, § 6-5) Penalty, see § 10.99

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**CHAPTER 71: RECREATIONAL VEHICLES**

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Section

***Golf Carts***

- 71.01 Purpose
- 71.02 Definitions

71.03 Rules and regulations; safety requirements

71.04 Registration, inspection and fees

71.99 Penalty

## GOLF CARTS

### § 71.01 PURPOSE.

(A) The purpose of this subchapter shall be to establish a golf cart ordinance within the village to promote the health, safety and welfare of persons operating golf carts or carts within the village. Golf carts, hereinafter sometimes referred to as “carts”, are not designed or manufactured to be used on public streets and roads, and the village in no way advocates or endorses their operation on streets and roads.

(B) The village, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this subchapter is not to be relied upon as a determination that operation on streets or roads is safe or advisable if done in accordance with this subchapter.

(C) All persons must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians.

(D) (1) Any person who owns, operates or rides upon a golf cart on a public street, road or highway within the village does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

(2) The village has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the state legislature.

(3) Any person who operates a cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a cart on the streets and roads of the village.

(Ord. 19-O-05, passed 10-21-2019)

### § 71.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. For purposes of this subchapter, those definitions set out in G.S. § 20-4.01 shall also apply throughout.

**DRIVER’S LICENSE.** A valid license issued to operate a motor vehicle issued by North Carolina or any other state.

**GOLF CART.** Sometimes referred to as a **CART**, a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 mph. The definition is republished here for convenience only and the definition set out in G.S. § 20-4.01(12b), as amended from time to time, is controlling for all purposes.

**OPERATOR.** Only persons over 16 years of age and holding a valid driver’s license may operate a golf cart.

(Ord. 19-O-05, passed 10-21-2019)

### § 71.03 RULES AND REGULATIONS; SAFETY REQUIREMENTS.

(A) Carts may be driven on roads only from official sunrise to official sunset unless the cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating taillights with brake lights (one on each side of the rear of the golf cart) which are visible from a distance of at least 500 feet.

(B) Carts must be equipped with:

(1) A rear vision mirror;

(2) A rear triangle reflector of the same type required by state law, or a reflective “slow moving sign” or “flag” on the rear of the cart;

(3) The brakes provided by the manufacturer of the golf cart that are in proper working order; and

(4) The golf cart must have all of the standard safety features provided by the manufacturer and must not have been modified to exceed a speed of 20 mph, nor otherwise modified in any way that creates a hazard regarding the speed of the cart.

(C) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in any instance at a speed greater than 20 mph.

(D) Children must be properly seated while the golf cart is in motion and may be not transported in a negligent manner.

(E) Cart drivers must have a valid driver’s license issued in their names to operate carts on the roads and streets of the village.

(F) Cart drivers shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking vehicles.

(G) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion.

(H) All applicable state laws and traffic flow patterns shall be adhered to, including the possession and use of alcoholic beverages.

(I) The operator of a golf cart shall comply with all traffic rules and regulations adopted by the state and the village which governs the operation of motor vehicles.

(J) Carts shall not be operated on sidewalks.

(K) Carts shall not be operated on private property without the permission and consent of the property owner.

(L) No golf cart shall be operated on any village street with a posted speed limit of greater than 35 mph. However, carts may cross over roads that have a posted speed limit of greater than 35 mph.

(M) Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or passageway is prohibited.

(N) Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, skateboard or bicycle.

(O) ATVs, four-wheel utility vehicles and other similar utility vehicles which are not manufactured for operation on a golf course and golf carts which have been modified so that they no longer meet the definition of a golf cart may not be registered as a golf cart, nor shall such vehicles be operated on the public roads, streets and highways within the village, unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the state.

(Ord. 19-O-05, passed 10-21-2019) Penalty, see §71.99

#### **§ 71.04 REGISTRATION, INSPECTION AND FEES.**

(A) No golf cart may be operated on any public street, road or highway within the village or on property owned or leased by the village unless the golf cart has first been registered with the village, as required herein.

(B) To evidence the registration, the owner shall be issued a permit which shall be displayed in a prominent, visible place on the front windshield or rear fender of the golf cart or at such other place as may be approved by the Village Clerk ("permit"). The permit may contain a registration number assigned for the particular golf cart. Permits will be issued annually and are valid from January 1 to December 31 of each year.

(C) Permits issued to operators/owners of golf carts are done so by the Village Clerk. A registration fee in the amount of \$10, or such other amount as may be established and published in the Schedule of Fees and Charges adopted by the Village Council from time to time, as amended, shall be paid to the village at the time the application for registration is filed with the Village Clerk. The golf cart owner must complete the registration application which will be maintained by the village. Should a golf cart previously receiving registration approval from the village change ownership, the new owner of said cart shall apply for registration in his or her name and pay the associated registration fee stated herein above.

(D) To obtain approval of an application for registration, each owner must have proof of ownership, proof of liability insurance for the cart and its operators and a completed disclaimer of liability releasing the village, its employees and affiliates from all liability that may arise as a result of operating a cart in the village. The disclaimer of liability must be renewed annually.

(E) Lost or stolen permits are the responsibility of the owner. A written report detailing the occurrence must be filed with the Village Clerk in the event of a lost or stolen permit. The Village Clerk will have the discretion in determining whether a permit may be reissued in this instance. If no record can be found of a previous application or the receipt of a permit, the Village Clerk may direct the applicant to reapply and also resubmit any and all fees necessary before a permit is issued.

(F) The Village Clerk, or his or her designee, shall inspect the golf cart presented for registration to ensure that the safety requirements set forth in § 71.03 of this chapter are met, and every golf cart operating on village streets or roads must have the safety equipment and minimum standards stated in the same. Any cart presented for registration that does not meet said requirements shall not be approved for operation upon the streets, roads and highways of the village. The Village Clerk retains the right to refuse to issue and to revoke any permit issued for any golf cart at any time and for any reason that he or she feels is appropriate to ensure the safety and well-being of the citizens of the village.

(Ord. 19-O-05, passed 10-21-2019) Penalty, see §71.99

#### **§ 71.99 PENALTY.**

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

(B) (1) Any person who operates a cart in the village and fails to obtain and properly display a permit, or who fails to maintain his or her previously registered and approved cart in compliance with §§ 71.01 through 71.04 of this chapter, will be subject to all applicable state laws, in addition to being in violation of §§ 71.01 through 71.04 of this chapter.

(2) Any act constituting a violation of §§71.01 through 71.04 of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty not to exceed \$50 or such other amount as shall be set forth in the Schedule of Fees and Charges adopted by the village from time to time, as amended. Each day that any of the provisions of §§ 71.01 through 71.04 of this chapter is violated shall constitute a separate offense.

(Ord. 19-O-05, passed 10-21-2019)

## **TITLE IX: GENERAL REGULATIONS**

Chapter

- 90. ANIMALS AND FOWL**
- 91. HEALTH AND SANITATION; NUISANCES**
- 92. ABANDONED, NUISANCE AND JUNKED VEHICLES**
- 93. PARKS AND RECREATION**

### **CHAPTER 90: ANIMALS AND FOWL**

Section

#### ***General Provisions***

- 90.01 Running at large or tethering in streets, lots and the like
- 90.02 Keeping hogs and livestock
- 90.03 Dead animals and fowl; removal
- 90.04 Wholesale poultry yards
- 90.05 Sanitary, inoffensive conditions where animals or fowl kept
- 90.06 Responsibility of owners
- 90.07 Cruelty to animals
- 90.08 Stray animals or suffering animals; disposition
- 90.09 Animal sanitation

#### ***Dogs***

- 90.20 Definitions
- 90.21 Enforcement generally; police powers of Animal Warden
- 90.22 Licensing
- 90.23 Tag and collar
- 90.24 Restraint
- 90.25 Public nuisance
- 90.26 Muzzles required
- 90.27 Impoundment; redemption of impounded animals; fees
- 90.28 Exemptions
- 90.29 Investigations
- 90.30 Interference prohibited
- 90.31 Records
  
- 90.99 Penalty

## **GENERAL PROVISIONS**

### **§ 90.01 RUNNING AT LARGE OR TETHERING IN STREETS, LOTS AND THE LIKE.**

It shall be unlawful for any person to suffer or permit any animal or fowl to roam at large to be tethered in any of the streets or public lots of the village.

(Prior Code, § 3-1) Penalty, see § 90.99

### **§ 90.02 KEEPING HOGS AND LIVESTOCK.**

It is hereby declared a nuisance for any person to keep live hogs, horses, goats, chickens or cows within the village.

(Prior Code, § 3-2) (Ord. passed 6-20-1994) Penalty, see § 90.99

### **§ 90.03 DEAD ANIMALS AND FOWL; REMOVAL.**

It shall be unlawful for any person owning an animal or fowl of any kind or description, which shall die within the village, to neglect or refuse to dispose of the carcass thereof in accordance with the regulations of the county's Health Department.

(Prior Code, § 3-3) Penalty, see § 90.99

### **§ 90.04 WHOLESALE POULTRY YARDS.**

It shall be unlawful for any person to conduct a wholesale poultry yard, wherein quantities of fowl of any and all description are gathered and kept for call or shipment, within any residential district of the village or within 80 feet of any place of human abode within the corporate limits.

(Prior Code, § 3-4) Penalty, see § 90.99

### **§ 90.05 SANITARY, INOFFENSIVE CONDITIONS WHERE ANIMALS OR FOWL KEPT.**

All owners and persons in possession or control of stables, corrals, pens, coops, warrens and other places where animals or fowl are kept shall maintain such places in a clean, sanitary and unoffensive condition at all times, and in such manner as meets with approval of the county's Health Department; and shall remove all manure therefrom and spray such places with suitable disinfectant at least once each week.

(Prior Code, § 3-5) Penalty, see § 90.99

### **§ 90.06 RESPONSIBILITY OF OWNERS.**

(A) Any person owning, harboring or keeping an animal or fowl shall be responsible for the acts thereof and accountable for any nuisance committed by such animal or fowl upon the property of another and for injury to another's person or property.

(B) Persons owning, harboring or keeping an animal or fowl shall provide humane shelter from heat, cold, rain, wind and snow, and shall provide food and water adequate to keep the animal or fowl in good health and comfort, and veterinary care when needed to prevent suffering, if such veterinary care is available. Animals requiring exercise shall be given reasonable opportunity therefor, as needed.

(Prior Code, § 3-6) Penalty, see § 90.99

### **§ 90.07 CRUELTY TO ANIMALS.**

It shall be unlawful for any person to willfully overdrive, overload, wound, injure, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill or cause or procure to be overdriven, overloaded, wounded, injured, tortured, tormented, deprived of necessary sustenance, cruelly beaten, needlessly mutilated or killed as aforesaid any useful beast, fowl or animal. In this section, the words "animal" and "dumb animal" shall be held to include every living creature; the words "torture", "torment" or "cruelly" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds and game for human food.

(Prior Code, § 3-7) Penalty, see § 90.99

### **§ 90.08 STRAY ANIMALS OR SUFFERING ANIMALS; DISPOSITION.**

Whenever the Animal Warden encounters a stray animal suffering pain, he or she shall take the animal to a veterinarian where the cost of any care or treatment shall be borne by the owner of such animal. If ownership of the animal cannot be determined, the Warden shall act in accordance with instructions from the Mayor.

(Prior Code, § 3-8)

### **§ 90.09 ANIMAL SANITATION.**

For the purpose of this subchapter, the following restrictions shall apply.



(A) Any person owning, harboring, walking, in possession of or in charge of a dog which defecates on public property, public park property, public right-of-way or any private property without the permission of the private property owner, shall remove all feces immediately after it is deposited by the dog. All feces removed in accordance with this section shall be placed in a suitable bag or other container that closes and disposed of in a lawful manner.

(B) Any person, while harboring, walking, in possession of or in charge of a dog on public property, public park property, public right-of way or any private property without the permission of the private property owner, shall have in his or her possession a bag or other container that closes, which is suitable for removing feces deposited by the dog.

(C) The provisions of this section shall not apply to blind persons using dogs as guides.

(Ord. passed 5-2-2011)

## DOGS

### § 90.20 DEFINITIONS.

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

**ANIMAL SHELTER.** Any premises designated by action of the village for the purposes of impounding and caring for any animal found in violation of the provisions of this subchapter.

**ANIMAL WARDEN.** The person or persons employed by the village as its enforcement officer(s). It also includes any employee of the county charged with the responsibility for animal control in the county.

**GENDER CLAUSE.** The designations **OWNER, PERSON, HIM, HER** and **CORPORATION** or any derivative thereof as used herein shall include singular, plural, masculine, feminine or neuter as required by context.

**HUMANE SOCIETY.** The Pitt County Humane Society.

#### **KENNEL.**

(1) Any person, group of persons, or corporations engaged in the commercial business of breeding, buying, selling or boarding five or more dogs.

(2) (a) It shall be unlawful for any person to keep or maintain more than three dogs on any lot or parcel of land within the village limits having less than 20,000 square feet, and an additional 7,000 square feet shall be required for each additional dog; provided, however, that, this limitation shall not apply to dogs which are less than five months of age, not to boarding facilities, kennels or veterinary hospitals.

(b) It shall be unlawful for the owner or custodian of any dog to maintain such dog in quarters not sanitary.

**NUISANCE.** A dog is deemed a public nuisance and a threat to public health, welfare and tranquility if it habitually chases bicycles, snaps at pedestrians, bites persons not trespassing on the dog owner's property, roams in packs, disturbs garbage by scattering it outside of the container in which it was placed, disturbs clothes and other objects hanging, damages gardens, flowers or vegetables, fouls public areas (sidewalks and other public ways), engages in frequent, habitual howling, yelping, barking, fighting or the making of other noises which disturb the neighborhood, or is a female dog running at large while in heat. The presence of any stray dog within the limits of village is hereby declared to be a **PUBLIC NUISANCE**. Such animals are a threat to the health of the community and the safety of persons and property alike.

**OWNER.** Any person, group of persons or corporation that possesses, owns, keeps, has charge of, shelters, feeds or takes care of a dog or dogs.

**RESTRAINT.** A dog is under restraint within the meaning of this subchapter if it is:

- (1) Controlled by a leash;
- (2) At "heel" beside a competent person and obedient to that person's commands;
- (3) On or within a vehicle being driven or parked on the street and unable to bite persons outside the vehicle; or
- (4) Harbored in the manner as to keep the dog(s) exclusively upon the premises of the owner.

**RUNNING AT LARGE or STRAY.** Any dog shall be deemed to be at large or stray when he or she is off the property of his or her owner and not under control of a competent person, or which is not cared for nor harbored, or does not wear a tag or emblem, or which has not been vaccinated as required by this subchapter.

**VILLAGE.** The Village of Simpson.

(Ord. passed - -; Ord. passed 1-27-2009) Penalty, see §90.99

### § 90.21 ENFORCEMENT GENERALLY; POLICE POWERS OF ANIMAL WARDEN.

(A) *General.* The provisions of this subchapter shall be enforced by the Animal Warden in order to abate the problems of dogs running at large, stray dogs and dogs deemed to be public nuisances.

- (1) The Animal Warden shall be charged with the responsibility of investigating all complaints with regard to dogs

covered by this subchapter and enforcing within the village all state laws and ordinances enacted by the village for the care, custody and control of dogs located within the village.

(2) Except as may otherwise be provided by statute, local law or ordinance, no officer, agent or employee of the village, or of the county, charged with the duty of enforcing the provisions of this subchapter or applicable law, shall be personally liable for any damage that may be incurred by persons or property as a result of any act required or permitted in the discharge of such duties unless he or she acted with actual malice.

(3) The Animal Warden or his or her authorized representative is authorized to issue civil citations to the owner of any dog(s) which is found to be a public nuisance or found unrestrained or at large under this subchapter and may also impound the dog(s), or both.

(B) *Police powers of Animal Warden.*

(1) In the performance of his or her duties, the Animal Warden shall have the power and authority in regard to enforcing the provisions of this subchapter which relate to the care, treatment and impounding of dogs for violations of such provisions.

(2) The Animal Warden shall have the authority to enter upon any property to enforce the provisions of this subchapter or other applicable state law if the violation of such law has been committed in the presence of such Animal Warden.

(3) It shall be the duty of the Animal Warden or his or her authorized representative to take up and impound in the animal shelter dogs which are found or kept contrary to the provisions of this subchapter. The Animal Warden or his or her authorized representative is authorized to go upon unenclosed lots of land when necessary to enforce the provisions of this subchapter.

(Ord. passed - -)

**§ 90.22 LICENSING.**

(A) No person shall own, keep or harbor any dog over the age of six months within the village limits unless it is licensed, as herein provided. Written application for the license shall be made to the Village Clerk and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The license fee shall be paid when the application is made. A numbered receipt shall be given to the applicant, and a numbered metallic tag shall be issued to the owner.

(B) There should be a one-time license fee of \$1 per each dog over the age of six months and a yearly privilege tax of \$1 per dog.

(C) Every kennel shall pay an annual license fee of \$25; except that, any persons who operate such a kennel may elect to license individual dogs as provided in division (B) above.

(D) (1) Every owner of any dog or the person keeping any dog shall apply to the village for a license and for the privilege of keeping a dog within the village during the month of January of each year or within 30 days after the dog is first kept within the city, in the case of the dog entering after the month of January; and the city may require the applicant to give the name and address of the owner or the person keeping such dog and the name, breed, color, age and sex of the dog.

(2) The application for the license shall be made in writing of two methods. The owner shall apply for the license when he or she lists ad valorem taxes for the current year with the village offices, or in the case of persons not listing property taxes, he or she shall apply for the license directly to the village offices.

(3) When application is made more than 30 days after the end of January of each year or more than 30 days after a dog is first kept within the village limits, the applicant shall be assessed a penalty of 50% for the license fee, which amount shall be added and collected with the regular license fee.

(E) If the metallic license tag issued for the dog is lost, the owner may obtain a duplicate tag for no additional charge for the first loss. Each loss thereafter will cost the owner 25 additional cents, starting at \$0.25 for the second loss, \$0.50 for the third loss and \$0.75 for the fourth loss and \$1 replacement cost for each loss thereafter.

(F) If the ownership of a dog or kennel changes during the licensing, the new owner may have the current license transferred to his or her name without charge or may have a new license issued for a license fee of \$1.

(G) No person shall use for one dog a license receipt or license tag issued for a different dog.

(Ord. passed - -) Penalty, see §90.99

**§ 90.23 TAG AND COLLAR.**

(A) When he or she has complied with the provisions of §90.22 of this chapter, the owner shall be issued a numbered metallic tag, stamped with the number and the year for which issued. The shape or design of this tag shall be changed from year to year.

(B) Every owner is required to see that the tag is securely fastened to his or her dog's chain, collar or harness, which the dog must wear at all times unless it is accompanied by its owner or is engaged in hunting or another sport in which a collar might endanger its safety.

(Ord. passed - -) Penalty, see §90.99

#### **§ 90.24 RESTRAINT.**

It shall be unlawful for a person owning or having the possession, charge, care, custody or control of any dog to fail to keep such dog or dogs exclusively upon his or her premises only if it is under control of a competent person and restrained by a chain or leash or other means of actual physical control.

(Ord. passed - -) Penalty, see §90.99

#### **§ 90.25 PUBLIC NUISANCE.**

(A) It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly chases, snaps at, strays, runs at large, attacks or barks at pedestrians, flowers or vegetables or to permit a female dog to run at large while in heat as set out in § 90.20 of this chapter.

(B) If a dog is reported as being a nuisance as set out in §90.20 of this chapter, the Animal Warden shall investigate to determine whether the dog(s) in question falls within the definition of nuisance in § 90.20 of this chapter. If he or she finds that the dog(s) is a nuisance, he or she shall order the owner to keep the dog(s) under restraint at all times. The owner shall not permit the dog(s) to be at large. It shall be unlawful for the owner to allow a dog that is a nuisance as defined in § 90.20 of this chapter to be at large after receipt of this order.

(Ord. passed - -) Penalty, see §90.99

#### **§ 90.26 MUZZLES REQUIRED.**

The owner of every fierce, dangerous or vicious dog shall confine the dog within a building or secure enclosure and not take it out of the building or secure enclosure unless it is securely muzzled.

(Ord. passed - -) Penalty, see §90.99

#### **§ 90.27 IMPOUNDMENT; REDEMPTION OF IMPOUNDED ANIMALS; FEES.**

(A) *Impoundment.* Unlicensed dogs and dogs found in violation of §§90.22 through 90.26 of this chapter shall be taken by the Animal Warden and impounded in the shelter designated as the "Pitt County Animal Shelter".

(1) As soon as he or she impounds a licensed dog or any other dog whose owner is known to the Animal Warden, the Animal Warden shall send a registered, certified notice, return receipt requested, to its owner, informing him or her that his or her dog has been impounded and how he or she may regain custody of the dog.

(2) Impounded dogs shall be confined in a humane manner for not less than three days; and, if not claimed, may thereafter be disposed of in the humane manner.

(3) The Animal Warden may transfer any animal held at the animal shelter to the Humane Society or other organization or person interested in providing a home for the animal after the legal detention period has expired if the animal has not been claimed by its owner.

(B) *Redemption of impounded animals.*

(1) The owner may reclaim his or her impounded dog when he or she complies with the licensing provisions of §90.22 of this chapter and pays the impoundment fees set forth in division (C) below.

(2) The owner of an animal impounded and not reclaimed within the required holding period shall be responsible for the fees incurred, whether or not the animal is reclaimed.

(C) *Impoundment fees.* An owner may reclaim his or her impounded dog when he or she pays the Animal Warden the \$10 per dog, plus \$4 for each day the dog is kept. All fees set forth herein shall be collected by the Animal Warden.

(Ord. passed - -)

#### **§ 90.28 EXEMPTIONS.**

The licensing requirements of this subchapter shall not apply to any dog that belongs to a non-resident of the village and kept within the village for not longer than 30 days, if it is at all times kept within a building, enclosure, vehicle or under restraint by the owner.

(Ord. passed - -)

#### **§ 90.29 INVESTIGATIONS.**

To discharge the duties imposed by this subchapter and to enforce its provisions, the Animal Warden, any agent of the Animal Warden or any police officer may obtain and administrative search warrant to enter any premises where a dog is kept or harbored and may require the dog's owner to show its license.

(Ord. passed - -)

### § 90.30 INTERFERENCE PROHIBITED.

No person shall interfere with, hinder or molest the Animal Warden or his or her agents in performing any of his or her duties or seek to release any animal from the custody of the Animal Warden or his or her agents, except as herein provided.

(Ord. passed - -) Penalty, see §90.99

### § 90.31 RECORDS.

(A) The Animal Warden shall keep or cause to be kept accurate and detailed records of all moneys collected by him or her under § 90.27(A) of this chapter. These records shall be open to inspection at reasonable times by whoever is for similar records of the village annually in the same manner than other village records are audited.

(B) The Animal Warden shall keep or cause to be kept accurate and detailed records of all bite cases reported to him or her and his or her investigation of these bites.

(Ord. passed - -)

### § 90.99 PENALTY.

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

(B) Any person who violates any provision of §§90.01 through 90.08 of this chapter shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$25. If the violation is continued, each day's violation shall be a separate offense.

(C) Any person violating any requirement of §90.09 of this chapter shall be guilty of an infraction and fined \$25 for the first offense, \$50 for a second offense and \$75 for third and subsequent offenses.

(D) Any person who violated any provision of §§90.20 through 90.31 of this chapter shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$15, except as otherwise noted in division (D)(1) below. If the violation is continued, each day's violation shall be a separate offense:

- (1) (a) Public nuisance (§§ 90.20, 90.25 of this chapter): \$25; and
- (b) Lack of restraint (§ 90.24 of this chapter): \$25.

(2) Notwithstanding division (D)(2) above, the provisions of §§90.20 through 90.31 of this chapter may be enforced through equitable remedies issued by a court or competent jurisdiction.

(Ord. passed - -; Ord. passed - -; Ord. passed 5-2-2011)

## CHAPTER 91: HEALTH AND SANITATION; NUISANCES

---

Section

### ***Garbage, Refuse and Vegetation***

- 91.01 Definitions
- 91.02 Unlawful deposits of refuse
- 91.03 Removal of garbage and refuse
- 91.04 Receptacles; interference with contents
- 91.05 Landlords, tenants and storekeepers; duty
- 91.06 Tree limbs, cuttings and shrubbery
- 91.07 Empty cartons and the like to be flattened for pick-up service
- 91.08 Semi-annual weeding, tidying and the like of premises required; notice to comply; remedial action by Council; cost; lien

### ***Weeds, Vegetation and Other Public Health Nuisances***

- 91.20 Weeding and tidying premises required
- 91.21 Enforcement
- 91.22 Nuisances prohibited; enumeration

## **GARBAGE, REFUSE AND VEGETATION**

### § 91.01 DEFINITIONS.

-

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

**GARBAGE.** Organic waste matter, both animal and vegetable, from houses, kitchens, restaurants, hotels, hospitals and the like, and it comprises chiefly waste food. **GARBAGE** does not include moisture that may be drained in the sewer.

**REFUSE.** Ashes, tin cans, dirty rags, trash, house sweepings, paper cups, shavings, bottles and other rubbish.

(Prior Code, § 4-1)

#### **§ 91.02 UNLAWFUL DEPOSITS OF REFUSE.**

No person shall throw, place or deposit any discarded paper, cups, rags, boxes, bottles, glass or chinaware, cans or any other animal, vegetable or mineral waste matter, rubbish or refuse matter of any kind, on or upon any of the public streets, sidewalks and other public places within the village, unless it shall be placed or deposited in a receptacle provided and maintained for that purpose and in accord with the provisions of this subchapter.

(Prior Code, § 4-2) Penalty, see § 10.99

#### **§ 91.03 REMOVAL OF GARBAGE AND REFUSE.**

No person, other than one under the direction of the Mayor, shall haul away or remove any garbage or refuse set out for collection as in this subchapter provided, except by the written consent of the Mayor.

(Prior Code, § 4-3) Penalty, see § 10.99

#### **§ 91.04 RECEPTACLES; INTERFERENCE WITH CONTENTS.**

(A) All householders shall provide receptacles for all garbage and refuse for removal by the village. All proprietors of businesses shall be responsible for the storage and removal of all garbage and refuse produced by said business. The following rules and regulations shall be observed.

(1) Receptacles shall be made substantially of metal and provided with tight-fitting covers and strong handles. The covers shall be kept on receptacles at all times except when being filled or emptied. Receptacles shall not have more than 25-gallon capacity each. If one is not sufficient to hold the quantity of garbage or refuse accumulated between collections, a sufficient number of similar receptacles shall be provided.

(2) Business establishments may place refuse in wooden containers with tops.

(Prior Code, § 4-4)

(B) No person shall overhaul, molest or interfere with the contents of any garbage or refuse receptacle set out for removal by the village unless by permission of the Mayor.

(Prior Code, § 4-5) (Ord. passed 6-20-1994) Penalty, see § 10.99

#### **§ 91.05 LANDLORDS, TENANTS AND STOREKEEPERS; DUTY.**

(A) It shall be the duty of each landlord, tenant or storekeeper to see that all garbage and refuse receptacles, and the contents as in this chapter provided for, are set out at such place and time as may be fixed by the Mayor.

(B) No employee of the village shall assist in any way in the performance of what, in this subchapter, is set out as the duty of the landlord, tenant or storekeeper.

(Prior Code, § 4-6) Penalty, see § 10.99

#### **§ 91.06 TREE LIMBS, CUTTINGS AND SHRUBBERY.**

Tree limbs, cuttings, shrubbery and the like of more than one-half load will be hauled at such time as trucks are available; provided that, such limbs, cuttings, shrubbery and the like are cut in four-foot lengths and tied in bundles weighing not more than 50 pounds and placed on the front corner of the owner's or tenant's property nearest the street or public alley. Lawn trimmings and leaves shall not be placed in the gutter.

(Prior Code, § 4-7) Penalty, see § 10.99

#### **§ 91.07 EMPTY CARTONS AND THE LIKE TO BE FLATTENED FOR PICK-UP SERVICE.**

No person shall place or permit to be placed any empty cardboard box, carton or container in any garbage or refuse receptacle or outside any such receptacle for collection by the garbage department until and unless any such box, carton or container has been flattened for pick-up by the Garbage Collection Department.

(Prior Code, § 4-8) Penalty, see § 10.99

#### **§ 91.08 SEMI-ANNUAL WEEDING, TIDYING AND THE LIKE OF PREMISES REQUIRED; NOTICE TO COMPLY; REMEDIAL ACTION BY COUNCIL; COST; LIEN.**

(A) Every person owning any real property within the village is hereby required to cut and remove therefrom at least twice annually all noxious weeds, bushes and grass, and to keep such property free from trash or other refuse matter at all times.

(Prior Code, § 4-9)

(B) (1) It shall be the duty of the Mayor, whenever ordered to do so by the Village Council, to serve notice on every property owner who shall fail or refuse to comply with the provisions of division (A) above requiring such property owner to cut and remove from such property all noxious weeds, bushes and grass and to remove all trash or other refuse matter therefrom within ten days from the date of such notice.

(2) If any property owner served with such notice shall fail or refuse to cut and remove all noxious weeds, bushes and grass, and remove all trash or other refuse matter within ten days after such notice shall have been given and served, it shall be the duty of the Mayor to notify the Village Council of such refusal or failure of the property owner to comply with such notice.

(3) The Mayor shall proceed to have cut and be removed from the property in question all noxious weeds, bushes and grass, and all trash or other refuse matter thereon.

(Prior Code, § 4-10)

(C) The Mayor shall make a written report of the actual costs incurred by the village in the cutting and removal of the noxious weeds, bushes and grass, and the removal of all trash and other refuse matter from any lot pursuant to this subchapter, and shall deliver such report to the village's Tax Collector.

(Prior Code, § 4-11)

(D) (1) The owner of any lot upon which any noxious weeds, bushes and grass shall be cut and removed, or upon which any trash or other refuse matter shall be removed therefrom under the direction and supervision of the Mayor, and after the required notice shall have been given to the property owner as provided in division (A) above, shall be liable to the village for the actual costs incurred by the village in such cutting and removal.

(2) Such costs shall be charged against the property owner and shall be collected in the same manner and at the same time as the ad valorem taxes of such owner are collected, and such costs shall be a lien on the real property subject only to the lien of the village and county ad valorem taxes thereon.

(Prior Code, § 4-12)

## **WEEDS, VEGETATION AND OTHER PUBLIC HEALTH NUISANCES**

### **§ 91.20 WEEDING AND TIDYING PREMISES REQUIRED.**

Any person owning real property within the village is hereby required to:

(A) Maintain the property, including the adjoining right-of-way, such that grass, weeds and other lawn vegetation does not exceed a height of 12 inches;

(B) Keep the property and right-of-way free from trash and refuse matter at all times; and

(C) Keep the property and right-of-way free from the conditions enumerated in §91.22 of this chapter.

(Ord. 02-16-2015, passed 2-16-2015; Ord. 18-O-1, passed 3-19-2018)

### **§ 91.21 ENFORCEMENT.**

(A) The Mayor of the village shall be responsible for the administration and enforcement of this chapter.

(B) The Mayor, and his or her designee, is authorized to exercise the powers as may be necessary to carry out the intent and provisions of this chapter.

(Ord. 02-16-2015, passed 2-16-2015)

### **§ 91.22 NUISANCES PROHIBITED; ENUMERATION.**

The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health and safety of the inhabitants of the village; and are found, deemed and declared to be public nuisances whenever the same may exist, and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

(A) Any condition that has become, or will become if not corrected, a breeding ground or harbor for mosquitoes, rats or other pests;

(B) A place of heavy growth of weeds, grasses, vines or other vegetation over 12 inches in height;

(C) A place of growth of vines, shrubs or other vegetation, when the condition is causing a breeding ground for rodents, or is a focal point for any other nuisance enumerated in this section;

(D) A place of growth of poison sumac, poison ivy, poison oak or other noxious vegetation;

- (E) An open place of collection of stagnant water where insects tend to breed;
- (F) Any concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;
- (G) A collection place for lumber, brick, concrete, nails, masonry, and/or building materials, unless the conditions are temporary in nature and caused by current construction in progress pursuant to a lawfully issued building permit;
- (H) An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; however, nothing in this division shall be construed to prevent the generally accepted use of a properly maintained compost pile, or storage of animal manure being used as fertilizer for lawns and gardens, and for other agricultural or horticultural purposes;
- (I) Any household or office furniture, appliances, or other metal products of any kind kept in open places, or any indoor upholstered furniture kept outside in a location exposed to the weather;
- (J) Any products that have jagged edges of metal or glass, or areas of confinement kept in open places;
- (K) Any open places of concentration of trash, refuse, discarded bottles, cans or medical supplies;
- (L) Any condition whereby any fence, sign, billboard, shrubbery, bush, tree, mailbox, or other object or combination of objects that obstruct the view of motorists using any street, private driveway, or approach to any street intersection adjacent to and abutting such, and so as to constitute a traffic hazard as a condition dangerous to public safety upon the street, private driveway, or at any street intersection;
- (M) Any building, structure, fence, or retaining wall declared to be unsafe by the County Building Inspection Officer or his or her designee, and which is in danger of collapse so that it may fall and injure members of the public or damage public or private property;
- (N) Any improper or inadequate drainage, as determined by the Mayor or his or her designee, on private property, which causes flooding, interferes with the use or endangers in any way the streets, sidewalks, parks or other municipally-owned property of any kind;
- (O) Any condition, as determined by the Mayor or his or her designee, which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains;
- (P) Any storm water retention or impoundment device that is operating improperly, as determined by the Mayor or his or her designee; and
- (Q) Any other condition declared to be dangerous or prejudicial to the public health or public safety and a public nuisance by the Village Council.

## **CHAPTER 92: ABANDONED, NUISANCE AND JUNKED VEHICLES**

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### Section

- 92.01 Definitions
- 92.02 Administration
- 92.03 Abandoned, nuisance and junk vehicles prohibited; removal authorized
- 92.04 Pre-towing notice requirements
- 92.05 Exceptions to prior notice requirements
- 92.06 Post-towing notice requirements
- 92.07 Right to probable cause hearing before sale or final disposition
- 92.08 Redemption during proceedings
- 92.09 Unclaimed vehicles; sale and disposition
- 92.10 Conditions on removal of vehicles from private property
- 92.11 Protection against criminal or civil liability
- 92.12 Exceptions
- 92.13 Unlawful removal of impounded vehicle

### **§ 92.01 DEFINITIONS.**

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

**ABANDONED MOTOR VEHICLE.** A motor vehicle shall be deemed to be abandoned for the purpose of this chapter if:

- (1) It has been left upon a street or highway in violation of a law or ordinance prohibiting parking;
- (2) It is left on property owned or operated by the village for longer than 24 hours;
- (3) It is left on private property without the consent of the owner, occupant or lessee thereof for longer than two hours;

or

- (4) It is left on any public street or highway in the village for longer than seven days.

**AUTHORIZING OFFICIAL.** The supervisory employee of the Police Department or the Inspections Department of the city, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

**JUNKED MOTOR VEHICLE.** A motor vehicle shall be deemed to be a junked motor vehicle if it is an abandoned motor vehicle and also:

- (1) It is partially dismantled or wrecked;
- (2) It cannot be self-propelled or moved in the manner in which it was originally intended to move;
- (3) It is more than five years old and worth less than \$100; or
- (4) It does not display a current license plate.

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

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

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidences by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks/hoods and the like;
- (6) So situated or located that there is danger of it falling or turning over;
- (7) One which is a point of collection of garbage, food waste, animal waste or any other rotten matter of any kind;
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) Any vehicle specifically declared a health and safety hazard and a public nuisance by the Inspections Department.

(Ord. passed 6-20-1994)

## **§ 92.02 ADMINISTRATION.**

(A) The Mayor and his or her designee shall be responsible for the administration and enforcement of this chapter. The Mayor or his or her designee shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the village limits and on property owned by the village.

(B) The Mayor and his or her designee shall be responsible for administering the removal and disposition of "abandoned", "nuisance" or "junked motor vehicles" located on private property. The village may contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned, nuisance or junked motor vehicles in compliance with this chapter and applicable state laws.

(Ord. passed 6-20-1994)

## **§ 92.03 ABANDONED, NUISANCE AND JUNK VEHICLES PROHIBITED; 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 in this chapter. Upon investigation, the Mayor or his or her designee may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(B) (1) 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.

(2) Upon investigation, the Mayor or his or her designee may determine or declare that a vehicle is a health or safety hazard and a nuisance vehicle, as define above, and order the vehicle removed.

(C) (1) It shall be unlawful for the registered owner or person entitled to 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.

(2) 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 vehicles must strictly comply with the location and concealment requirements of this section.

(3) 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 or the concealment requirements of this section.

(4) The Mayor or his or her designee, upon investigation, may order the removal of a junked motor vehicle, as defined herein, after finding, in writing, that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings 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:

- (a) Protection of property values;
- (b) Promotion of tourism and other economic development opportunities;
- (c) Indirect protection of public health and safety;
- (d) Preservation of the character and integrity of the community; and
- (e) Promotion of the comfort, happiness and emotional stability of area residents.

(5) Permitted concealment or enclosure of junked motor:

(a) One junked motor vehicle in its entirety can be located in the rear yard, as defined by the 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;

(b) The Mayor or his or her designee has authority to determine whether any junked motor vehicle is adequately concealed from public view from a public street and from abutting premises by an acceptable covering. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives sought to be obtained in this chapter; and

(c) More than one junked motor vehicle. Any other junked 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 regulation.

(Ord. passed 6-20-1994) Penalty, see § 10.99

#### **§ 92.04 PRE-TOWING NOTICE REQUIREMENTS.**

(A) Except as set forth in § 92.05 of this chapter, 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 the possession of the vehicle, or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given first by certified 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 date mailed. If such names and addresses cannot be ascertained or the vehicle to be removed is an abandoned vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the village on a specified date (no sooner than seven days after the notice is affixed). The notice shall state that the vehicle will be removed by the city 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 to that time.

(B) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice 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 Mayor or his or her designee in writing, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. passed 6-20-1994)

#### **§ 92.05 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.**

(A) The requirement that notice be given 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 findings shall, in all cases, be entered by the authorizing official in the appropriate daily records.

(B) Circumstance justifying the removal of vehicles without prior notice include:

(1) *Vehicles abandoned on streets.* For vehicles left on public streets and highways, the Mayor or his or her designee may determine that immediate removal of such vehicles may be warranted when they are:

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

(2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on village-owned property other than 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 ingress or egress 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.

(Ord. passed 6-20-1994)

#### **§ 92.06 POST-TOWING NOTICE REQUIREMENTS.**

(A) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the village, be removed to a storage garage or area by a tow truck operator or towing business contracted to perform such services for the village. Whenever such a vehicle is removed, the authorizing city 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.

(B) The village 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 divisions (A)(1) through (A)(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 or her agent.

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

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

(Ord. passed 6-20-1994)

#### **§ 92.07 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION.**

After 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 the hearing must be filed in writing with the Mayor or his or her designee for the city.

(Ord. passed 6-20-1994)

#### **§ 92.08 REDEMPTION DURING PROCEEDINGS.**

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges that may have been incurred. 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 the chapter.

(Ord. passed 6-20-1994)

#### **§ 92.09 UNCLAIMED VEHICLES; SALE AND DISPOSITION.**

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 a vehicle

shall be carried out in coordination with the village and in accordance with G.S. Ch. 44A, Art. 1.

(Ord. passed 6-20-1994)

#### **§ 92.10 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.**

(A) As a general policy, the village 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 village 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 junked motor vehicle which has been ordered removed by the Mayor or his or her designee.

(B) The village may require any person requesting the removal of abandoned, nuisance or junked motor vehicles from private property to indemnify the village against any loss, expense or liability incurred because of the removal, storage or sale thereof.

(Ord. passed 6-20-1994)

#### **§ 92.11 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.

(Ord. passed 6-20-1994)

#### **§ 92.12 EXCEPTIONS.**

Nothing in this chapter shall apply to any vehicle which is:

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

(B) In an enclosed building;

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

(D) In an appropriate storage place or depository maintained in a lawful place and manner by the village.

(Ord. passed 6-20-1994)

#### **§ 92.13 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 village any vehicle which has been impounded pursuant to the provision of the chapter unless and until all towing and impoundment fees which are due have been paid.

(Ord. passed 6-20-1994) Penalty, see § 10.99

## **CHAPTER 93: PARKS AND RECREATION**

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Section

93.01 Park regulations

93.99 Penalty

#### **§ 93.01 PARK REGULATIONS.**

The following are rules and regulations for use of the village park:

(A) Park hours for public use shall extend from sunup until sundown;

(B) No alcohol allowed in the village park;

(C) No littering or dumping;

(D) No stereos or radios;

(E) No loud noise which would constitute a nuisance to other users of the park; and

(F) No trespassing is allowed in the village park during closed hours.

(Ord. passed 5-16-1994) Penalty, see § 93.99

## § 93.99 PENALTY.

Violation of any of the regulations for use of the village park, per §93.01 of this chapter, will be considered a violation of the village ordinance and punishable in accordance with G.S. § 14-4.

(Ord. passed 5-16-1994)

# TITLE XI: BUSINESS REGULATIONS

Chapter

## 110. ITINERANT MERCHANTS, PEDDLERS, TRANSIENT VENDORS AND SOLICITORS

### CHAPTER 110: ITINERANT MERCHANTS, PEDDLERS, TRANSIENT VENDORS AND SOLICITORS

Section

- 110.01 Definitions
- 110.02 General provisions
- 110.03 Application; permit; standards for issuance
- 110.04 Fees; rules
- 110.05 Exhibition of identification
- 110.06 Standards for revocation
- 110.07 Appeal process
  
- 110.99 Penalty

## § 110.01 DEFINITIONS.

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

**ITINERANT MERCHANT.** Any merchant, other than a merchant with an established retail store in the city who transports an inventory of goods to a building, vacant lot or other locations in the city and who, at that location, displays the goods for sale and sells the goods at retail. A merchant who sells goods, other than farm products, in the city for less than six consecutive months is considered an **ITINERANT MERCHANT**, unless he or she stopped selling goods in the city because of death or disablement, the insolvency of his or her business, or the destruction of his or her inventory by fire or other catastrophe.

**PEDDLER.** Any person who carries from place to place any goods, wares or merchandise, subscriptions, services and/or discount coupons (hereinafter referred to as "wares"), or without traveling from place to place, selling or offering for sale any goods from any vehicle or device, and offers to sell or barter the same or actually sells or barter the same, except such person who is a wholesale dealer selling only to merchants for resale.

**PERSON.** Natural persons, corporations and all business or other entities of any kind.

**SOLICITOR.** Any person traveling from place to place, taking or offering to take orders for the sale of goods for future delivery, or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance; and using or occupying any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery, or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance.

**TRANSIENT VENDOR.** Any person engaging in a temporary business of selling and delivering goods, and for this purpose, using or occupying any building or premises; provided that merely associating a transient business with a permanently established business does not exclude it from this definition.

(Ord. passed 12-14-2020)

## § 110.02 GENERAL PROVISIONS.

(A) A person deemed an itinerant merchant, peddler, solicitor or transient vendor shall apply and procure from the Village Mayor, or his or her designee, a town permit for the privilege of transacting such business, and shall pay the required permit fee as hereinafter set forth.

(B) It shall be unlawful for any person to sell or offer for sale or peddle wares upon the public streets or public parking lots of the town, or to engage in business as an itinerant merchant, peddler, solicitor or transient vendor anywhere in the town, without first having applied for and obtained a permit to do so from the Mayor, or his or her designee. For the purposes of this chapter, **ANY PERSON** or **EACH PERSON** means an individual and shall be considered in the singular. Each person working for or acting as an agent or in any capacity for an individual, a partnership, a corporation, a company or a business of whatever nature or kind, must apply for and obtain a permit as set out herein.

(C) Any person who sells or offers to sell any wares from his or her possession, a cart, truck, automobile or other vehicle operated over and upon the streets and highways within the town, shall be deemed an itinerant merchant, peddler, solicitor or transient vendor within the meaning of this chapter. Nothing in this section shall apply to the sale of farm products raised on the premises owned or occupied by the person, or his or her bona fide agent or employee selling the same.

(D) This chapter shall not apply to solicitation for charitable, civic, religious or patriotic purposes by persons who serve without compensation or remuneration; nor shall it apply to persons engaging in door-to-door advocacy of a religious, political or other cause where money or other valuable consideration is not being solicited; nor shall it apply to the distribution of religious or political handbills or pamphlets. Further, this chapter shall not apply to any person under the age of 18 years old who desires to offer a service only and who does so solely as a means of earning money for his or her own personal or family use on a short-term, temporary basis, such as and by example only, mowing lawns and raking leaves.

(E) This chapter shall not apply where town merchants and/or proprietors of stores display goods adjacent to their businesses for sale in front of their stores; nor shall this chapter apply to any individual, business or organization displaying goods for sale as part of a duly town-authorized festival or public event for which such goods are authorized to be sold.

(Ord. passed 12-14-2020)

### **§ 110.03 APPLICATION; PERMIT; STANDARDS FOR ISSUANCE.**

*Application.* Each person desiring a permit to engage in business as an itinerant merchant, peddler, solicitor or transient vendor within the town shall make written application to the Mayor, or his or her designee, at least five working days before that person seeks to sell that person's wares. The application shall contain the following;

(A) The name, address, date of birth and Social Security number of the applicant, and a vehicle description and tag number of the vehicle to be used by the applicant (if applicable);

(B) The name and address of the person and/or company, if any, that the applicant represents;

(C) An accurate and detailed description of the kind of wares offered for sale. No wares reasonably deemed dangerous or likely to cause damage by releasing projectiles or substances shall be permitted;

(D) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery;

(E) The period of time the applicant wishes to engage in the business within the village;

(F) The applicant is responsible to providing certified copy of his or her criminal record for local or state criminal records. This will provide acceptable evidence that the applicant has no state criminal record that would prohibit the issuance of a permit. If the applicant is found to have an out-of-state criminal history, the applicant will be responsible for providing a certified copy to the Mayor or designee. The following will constitute valid reasons for disapproval of an application:

(1) Has been convicted of a crime of moral turpitude;

(2) Has made willful misstatements in the application;

(3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors and the like;

(4) Has committed prior fraudulent acts;

(5) Has a record of continual breaches of contracts; or

(6) Has an unsatisfactory moral character.

(G) Information concerning whether the applicant is on, or has been on, parole or probation in the state, any other state, or the federal government; and

(H) A list of any criminal offenses, other than minor traffic offenses, for which the applicant has been charged within the past five years. For purposes of this division, a **MINOR TRAFFIC OFFENSE** is an offense that is a violation of G.S. Ch. 20, and that is punishable as, or would be punishable as, an infraction in the state.

(Ord. passed 12-14-2020)

### **§ 110.04 FEES; RULES.**

(A) *Fee.* A non-refundable fee of \$25 must be paid before an application can be processed, provided that payment of this fee is not a guarantee or promise that the application will be approved.

(B) *Rules.* Each individual person desiring to engage in the activity of an itinerant merchant, peddler, solicitor or transient vendor, as defined herein, must obtain a permit. A permit is not transferable and cannot be used for the activity of another

person working or acting on behalf of an applicant for a permit.

(C) *Falsification.* Falsification of any matter on or provided as part of the application for a permit shall be grounds for immediate denial of the permit.

(D) *Issuance.* No permit shall be issued under the provisions of this chapter until the applicant has complied with all the provisions and requirements of this chapter.

(E) *Denial.* A permit can be denied for the same reasons that it can be revoked as set out in this chapter.

(F) *Permitted hours.* A person issued a permit pursuant to this section shall not engage in the activity of an itinerant merchant, peddler, solicitor or transient vendor between the hours of 8:00 p.m. through 9:00 a.m. and not at any time on Sundays, in residential areas; except in ballparks during recreational events, but no later than 15 minutes after the event, except in town parks, venues and facilities during town-sponsored or approved events.

(G) *Duration.* A permit shall be issued for the period requested in the application or for as long as the information on the face of the application is unchanged, provided, however, no permit shall be issued for a period not exceeding 30 days or one calendar month. Upon expiration of the permit due to time or to change in information, the applicant may apply for a renewal of the permit, upon a form designated by the Mayor, or his or her designee, which shall indicate what changes, if any, have occurred since the date the original application was completed. The Mayor, or his or her designee, may renew and extend the permit for an additional term not to exceed three calendar months. Each renewal or change in the application shall carry the same application fee of \$25.

(H) *Contents.* Each permit issued under the provisions of this chapter shall be signed by the Mayor, or his or her designee, shall be dated as of the date of its issuance, and shall state its duration or term on its face. Any permit not dated and signed as required in this section, or which was issued in violation of this section, shall be void.

(Ord. passed 12-14-2020)

#### **§ 110.05 EXHIBITION OF IDENTIFICATION.**

(A) *Display.* Every itinerant merchant, peddler, solicitor or transient vendor issued a permit under the provisions of this chapter, and doing business within the town, shall wear and display a town-approved permit in a manner clearly visible to anyone that person is approaching for the purpose of selling or attempting to sell the wares of that itinerant merchant, peddler, solicitor or transient vendor.

(B) *Possession and display of identification.* Any person, while engaged in the activity of an itinerant merchant, peddler, solicitor or transient vendor as set out in this chapter, shall, in addition to displaying a valid permit, possess a current, verifiable form of photographic identification, and must present that identification, upon either the request of a law enforcement officer or upon the request of any person approached by the itinerant merchant, peddler, solicitor, or transient vendor attempting to sell or selling his or her wares to the person requesting the identification. For purposes of this division, a **VERIFIABLE FORM OF PHOTOGRAPHIC IDENTIFICATION** shall include, but not be limited to, a valid driver's license, passport, state-issued identification card, or student identification card containing a recent photograph of the person identified.

(Ord. passed 12-14-2020)

#### **§ 110.06 STANDARDS FOR REVOCATION.**

(A) *Revocation.* Any permit issued under the provisions of this chapter may be revoked by the Mayor, or his or her designee, for the violation by the itinerant merchant, peddler, solicitor or transient vendor permit holder of any applicable provision of this chapter, state law or town ordinance, rule or regulation applicable to peddlers, or for the violation of any state or federal law as denoted below.

(B) *Grounds for issuance or denial of a permit.* A permit shall be issued or renewed if the applicant satisfies the following requirements, and the application shall be denied otherwise:

- (1) The applicant's criminal record shall be free of any convictions of criminal offenses involving crimes of violence, the possession, use or sale of weapons, sexual offenses, prostitution, offenses involving the transportation, sale or possession of alcohol or controlled substances for sale, indecent exposure, contributing to the delinquency of a minor, and fraud;
- (2) The applicant shall not be a registered sexual offender;
- (3) The application must be free of any fraud, misrepresentation or any false statement;
- (4) The applicant (or employer) must pay any privilege tax or business license fee;
- (5) The applicant (or employer) must pay all fees associated with the application;
- (6) The applicant (or employer) must satisfy all zoning requirements if activities take place on privately owned land; and
- (7) The applicant must provide a certified copy of applicant's state criminal record.

(Ord. passed 12-14-2020)

#### **§ 110.07 APPEAL PROCESS.**

An applicant may appeal the denial or revocation of a permit by submitting a written notice of appeal to the Mayor, or his or her designee, specifying with particularity the grounds upon which the appeal is based. An appeal shall be submitted no later than ten days from the date of the denial or revocation of the permit in question. If the denial or revocation is made by the Mayor, then the appeal will be heard by the Village Council. The Mayor, or his or her designee, shall fix a reasonable time for the hearing of the appeal, shall give due notice to all parties, and shall render a decision within a reasonable time. The Mayor, his or her designee or the Village Council's decision shall be the village's final decision.

(Ord. passed 12-14-2020)

#### **§ 110.99 PENALTY.**

(A) *Misdemeanor.* A violation of this chapter shall be punishable as a Class 3 misdemeanor by a fine of \$250 for the first offense, and a fine of \$500 for the second and subsequent offenses.

(B) *Other licenses or permits.* The provisions of this chapter shall not exempt the applicant from obtaining any other license or permit.

(Ord. passed 12-14-2020)

## **TITLE XIII: GENERAL OFFENSES**

Chapter

### **130. GENERAL OFFENSES**

### **CHAPTER 130: GENERAL OFFENSES**

Section

- 130.01 Cellars, excavations and the like; draining or filling
- 130.02 Grade and drainage system establishment; duty of property owner
- 130.03 Loud, disturbing and unnecessary noise
- 130.04 Dangerous weapons
- 130.05 Firearms, air rifles, spring guns and similar devices

130.99 Penalty

#### **§ 130.01 CELLARS, EXCAVATIONS AND THE LIKE; DRAINING OR FILLING.**

All cellars, excavations, ditches or open spaces therein in which water, at any time, stagnates or arises or which are damp, and in which foul and unwholesome gases are generated, and all premises therein on which water shall pond, shall, upon written notification by or through the county's Health Officer, be provided with proper drainage by the owner thereof, or be filled up with sand, gravel or some other imperishable material, but not in such manner as to obstruct proper drainage of water.

(Prior Code, § 5-1) Penalty, see § 130.99

#### **§ 130.02 GRADE AND DRAINAGE SYSTEM ESTABLISHMENT; DUTY OF PROPERTY OWNER.**

Upon the establishment of grades by the village for a drainage system, it shall be the duty of all property owners to conform thereto and to make provisions at their respective premises to abate and prevent nuisances.

(Prior Code, § 5-2) Penalty, see § 130.99

#### **§ 130.03 LOUD, DISTURBING AND UNNECESSARY NOISE.**

(A) It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the village. Noise of such character, intensity and duration as to be detrimental to the public health, welfare and peace is hereby prohibited.

(B) The following acts, among others, are hereby declared to be loud, disturbing and unnecessary noises in violation of this section, but said 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, except as a danger signal, so as to create any unreasonable loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time, or the use of any gong or siren upon any vehicle other than a police, fire or other emergency

vehicle;

(2) The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence;

(3) 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;

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

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

(6) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;

(7) The conducting, operating, or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or on Sundays;

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

(9) 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;

(10) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety, and then only with a permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues;

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

(12) The use of any drum, loud speaker 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; and

(13) The use of any mechanical loud speakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes, except where specific license is received from the Council.

(Ord. passed 7-19-1982) Penalty, see § 130.99

#### **§ 130.04 DANGEROUS WEAPONS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The following items, as defined herein, are hereby declared to be **DANGEROUS WEAPONS** for the purposes of this section.

**BILLY CLUB.** Any stick, bat, or similar device having a blunt end, being constructed of wood, metal, or similar material, and which may inflict serious injury when used as a club or bludgeon, and which is commonly referred to as a **BILLY CLUB**.

**NUNCHAKUS.** Any device constructed, manufactured or assembled so as to be made of pieces of wood or other material joined together by a section of cord, rope, chain or other similar material, having no other purpose except to be used as a weapon, and commonly known as a **NUNCHAKUS**.

**STAR.** Any star-shaped device made of tin, iron, or other metal, with pointed or abrasive tips, designed to be aerodynamically stable in flight and to inflict bodily harm when thrown against the person of another.

**SWITCHBLADE.** Any knife having a spring-loaded blade in excess of three inches in length and which is commonly referred to as a "switchblade knife".

(B) *Possession prohibited.*

(1) It shall be unlawful for any person to carry or have in his or her possession or within his or her immediate access a dangerous weapon as defined in division (A) of this section when going upon the public streets or other public ways, and when a person is within or upon the premises of any establishment which is open to the public within the corporate limits of the village.

(2) For purposes of this section, the carrying of any of the dangerous weapons defined above in an unlocked glove compartment, upon the dashboard, or under or upon the front and rear seats of an automobile shall be defined as being "within the immediate access" of the owner or occupant of any automobile in which any of the enumerated dangerous weapons are found.



(C) *Exception.* Any member of a law enforcement agency or department of the state or any municipal government created by the said state shall have the authority to confiscate any such dangerous weapon as described in this section.

(Ord. passed 7-19-1982) Penalty, see § 130.99

### **§ 130.05 FIREARMS, AIR RIFLES, SPRING GUNS AND SIMILAR DEVICES.**

(A) *Discharge prohibited.* It shall be unlawful and it is hereby prohibited for any person to shoot or discharge within the corporate limits of the village any gun or pistol, air rifle, spring gun or pistol, compressed air rifle or pistol or other similar device which impels, with force, a shot or pellet of any kind. It shall be unlawful to discharge bows and arrows and crossbows inside the village limits.

(B) *Confiscation authorized.* The Chief of Police or any member of the Police Department is hereby authorized to seize and hold, subject to order of the court, any such gun or pistol, air rifle, spring gun or pistol, compressed air rifle or pistol or other similar device which impels, with force, any shot or pellet of any kind which shall be used, shot or discharged within the village in violation of this section.

(Ord. passed 7-19-1982; Ord. passed 6-16-2003) Penalty, see § 130.99

### **§ 130.99 PENALTY.**

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

(B) Any person, firm or corporation violating any provision of § 130.03 of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine not to exceed \$50 or imprisoned not to exceed 30 days. Each day such violation shall continue shall constitute a separate offense.

(C) Any person who shall violate any provision of § 130.05 of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined or imprisoned as provided by statute.

(Ord. passed 7-19-1982; Ord. passed 7-19-1982; Ord. passed 7-19-1982)

## **TITLE XV: LAND USAGE**

Chapter

### **150. PROPERTY NUMBERING SYSTEM**

### **151. SIGNS**

### **152. ZONING**

## **CHAPTER 150: PROPERTY NUMBERING SYSTEM**

Section

150.01 Numbering map

150.02 Numbering system

150.03 Owners to purchase numbers

150.04 Numbers for future buildings

150.05 Unlawful to deface number

### **§ 150.01 NUMBERING MAP.**

The property numbering map entitled "Property Numbering Map, dated 19 January 1981, Village of Simpson, North Carolina", is hereby adopted as the official property numbering map of the village and all property numbers assigned shall be assigned in accordance with the numbering map and no other property numbers shall be used or displayed in the village, except numbers assigned in accordance with official numbering map. The property numbering map shall be kept on file in the office of the Village Clerk.

(Ord. passed 1-19-1981)

### **§ 150.02 NUMBERING SYSTEM.**

(A) On the property numbering map, the Norfolk and Southern Railroad (Southern Railway System) is hereby designated as the north-south axis and Queen Street is hereby designated as the east-west axis and all avenues, streets and alleys running generally north and south shall be numbered from the east-west axis consecutively to the corporate limits or the

extremity of such avenue, alley or street. Avenues, streets or alleys running generally east and west shall be numbered from the north-south axis in the same manner. Whenever possible, one hundred numbers shall be allowed to each block so that the number of each consecutive block shall commence with consecutive hundreds and one.

(B) One whole number shall be assigned for every 50 feet of ground whether improved property or vacant lot on every street within the corporate limits. Odd numbers shall be assigned to the west side of the street on all north-south streets and even numbers on the east side. On east-west street, odd numbers shall be assigned to the south side of the street and even numbers to the north side.

(Ord. passed 1-19-1981)

#### **§ 150.03 OWNERS TO PURCHASE NUMBERS.**

Every property owner of improved property shall on or before 5-1-1981 purchase and display in a conspicuous place on said property the number assigned.

(Ord. passed 1-19-1981)

#### **§ 150.04 NUMBERS FOR FUTURE BUILDINGS.**

All residence and business buildings erected after the adoption of this chapter shall be assigned a number in accordance with the property numbering map and shall purchase and display such number as provided in § 150.03 of this chapter.

(Ord. passed 1-19-1981)

#### **§ 150.05 UNLAWFUL TO DEFACE NUMBER.**

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this chapter, except for repair or replacement of such number.

(Ord. passed 1-19-1981) Penalty, see § 10.99

## **CHAPTER 151: SIGNS**

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### Section

- 151.01 Definitions
- 151.02 General provisions
- 151.03 Signs not requiring a permit
- 151.04 Signs requiring a permit
- 151.05 Permit procedure
- 151.06 Miscellaneous regulations
- 151.07 Table of sign requirements
  
- 151.99 Penalty

#### **§ 151.01 DEFINITIONS.**

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

**ABANDONED SIGN.** A sign that has either not been maintained (see §151.06(F)) or a sign referring to a business, entity, and the like, which no longer exists and has not for a period in excess of 90 days.

**CONSTRUCTION SIGN.** A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project. A **CONSTRUCTION SIGN** may not contain leasing or sales information.

**DETACHED SIGN.** Any sign that is not affixed or attached to a building and is securely mounted on the ground. Such sign may be a ground mounted or pole mounted sign for the purposes of this chapter.

**DIRECTIONAL/INFORMATION SIGN.** A sign with a directional arrow and the name and/or logo of an establishment but no advertising copy, for example, phone number, hours of operation, and the like.

**DIRECTORY SIGN.** A secondary sign on which the names and locations of occupants or the use of a building or property is identified.

**EXTRATERRITORIAL JURISDICTION (ETJ).** An area adjacent to and outside of a municipality in which the municipality has authority to exercise planning, zoning, building inspections, sign regulations and subdivision regulations.

**FLAG.** A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

**FLASHING SIGN.** A sign that uses an intermittent or flashing light source to attract attention.

**GROUND MOUNTED SIGN.** A sign which extends from the ground or which has a support which places the bottom thereof less than two feet from the ground. A **MONUMENT SIGN** shall be considered to be a **GROUND MOUNTED SIGN**.

**GOVERNMENT SIGN.** Any temporary or permanent sign erected and maintained for any governmental purpose.

**IDENTIFICATION SIGN.** A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

**ILLUMINATED SIGN.** A sign either internally or externally illuminated.

**INCIDENTAL SIGN.** Small non-freestanding signs, emblems or decals of two square feet or less identifying or advertising associated goods, products, services, or facilities available on the premises. Such incidental signs include, but are not limited to, information related to credit cards accepted, brand names, price signs, or hours of operation.

**MONUMENT SIGN.** See **GROUND MOUNTED SIGN**.

**NONCONFORMING SIGN.** Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this chapter, and which fails to conform to all applicable standards and restrictions of this chapter.

**ON-PREMISES SIGN.** A sign that is located on the same premises with the business, service, commodity, and the like, to which it is directing attention.

**OFF-PREMISES SIGN.** A sign other than an **ON-PREMISES SIGN**. Includes outdoor advertising.

**PLANNED DEVELOPMENT SIGN.** A sign used in conjunction with an approved planned residential, office, business, industrial or mixed use development.

**POLITICAL SIGN.** A sign that advertises a candidate or issue to be voted upon on a definite election day.

**PORTABLE SIGN.** A sign that is not permanently attached to either the ground, a structure or a building, nor was it ever intended to be so attached, that can easily be moved from one location to another. It may be equipped for towing or possess an axle, wheel or wheel mechanism.

**PROJECTED/SUSPENDED SIGN.** A sign, other than a wall sign, which extends outward for more than 12 inches from the facade of any building and is rigidly affixed to the building.

**PUBLIC INTEREST SIGN.** A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

**REAL ESTATE SIGN.** A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

**SIGN.** Any form of publicity, visible from any public highway directing attention to any individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks or other pictorial matter designed to convey such information. Such may be displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, buildings or other structures or supports. Neither newspaper delivery boxes nor mailboxes are considered to be signs.

**SIGN FACE AREA.** The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentations, together with any material or color forming an integral part of the display or to differential the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Only one side of a sign shall be included in the calculation.

**SIGHT PRESERVATION TRIANGLE.** That portion of area off the paved road surface occurring at intersections that must be kept clear of all signs except as specifically allowed in this chapter. The sight preservation triangle is measured as set forth below:

**SPECIAL EVENT.** An activity sponsored by and for the benefit of a nonprofit, noncommercial, or governmental organization such as bake sales, fairs, carnivals, and the like.

**SUBDIVISION SALES SIGN.** Signage located within a subdivision for the purpose of selling lots, houses or units within the subdivision.

**TEMPORARY SIGN.** A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of 30 days or less.

**TEMPORARY AGRICULTURAL SIGN.** A sign, either on- or off-premises, the display of which is directly related to the harvesting and subsequent sale of seasonal agricultural and horticultural products.

**TEMPORARY PROJECT DEVELOPMENT SIGN.** A sign that pertains to the development of a new subdivision, planned multifamily development, planned shopping center, industrial, office, or business park, or similar land parcel.

**WALL SIGN.** Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the wall or structure on which the sign is affixed. Signs directly painted on walls shall be considered **WALL SIGNS**.

**WINDOW SIGN.** Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of such building.

(Ord. passed 4-16-2007)

### **§ 151.02 GENERAL PROVISIONS.**

The following provisions relate to all temporary off-premises planned development, individual real estate, auction, garage/yard sale, and political signs unless specifically exempt from one or more provisions.

(A) Temporary off-premises signs shall not be illuminated and shall not be located within a public street right-of-way.

(B) Temporary off-premises signs that pose a hazard to traffic through reflectivity or blocking views shall be considered in violation of this chapter and removed by the village.

(C) Temporary off-premises signs, inclusive of the supports, frames, and embellishments thereto, shall not be attached, affixed, or painted upon trees, rocks, buildings, structures, existing signs, utility poles, or any other neutral object except where specifically permitted by this chapter.

(D) Prohibited signs and signs in violation of the specifically stated provisions will be subject to penalties set forth in § 151.99 of this chapter, and removal and disposal by the village.

(E) No more than four off-premises signs are permitted at any standard intersection. Each event, subject, company, or commercial interest shall have no more than one sign per intersection. Posting shall be limited to one sign per corner. Political signs are exempt from this provision only and do not count in totaling the number of signs at an intersection.

(F) Upon removal of sign, land must be returned to its natural form.

(Ord. passed 4-16-2007)

### **§ 151.03 SIGNS NOT REQUIRING A PERMIT.**

Certain types of signs do not require a sign permit, however, these signs are still subject to all other regulations contained within this chapter unless specifically stated otherwise. No permits are required for the following.

(A) Signs placed by the state Department of Transportation;

(B) Incidental signs;

(C) Non-illuminated signs not exceeding two per lot nor two square feet in area per sign of a noncommercial nature and bearing only property identification numbers and names, post office box numbers and names of occupants of the premises;

(D) Flags and insignia and signs of any government, when displayed in connection with a noncommercial activity. One flag of the United States (not to exceed six feet by ten feet) displayed in connection with a commercial activity;

(E) Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body;

(F) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;

(G) On-premises signs directing and guiding traffic on private property, not exceeding two square feet each. Examples are "Enter", "Exit", and the like;

(H) Subdivision sale signs, not exceeding 32 square feet in area and limited to two single-faced signs or one double-faced sign at each point of ingress/egress, giving the name of residential subdivision, multiple family housing development, or mobile home court, the pricing information and name, address, and phone number of sales agent/developer. Such signage must be removed when certificates of occupancy have been issued for 95% of the subdivision's units;

(I) Lighted or unlighted on-premises signage for noncommercial, nonprofit type organizations including but not limited to churches, civic organizations, and the like, in number and size as follows: secondary signs in an amount equal to the same number of abutting streets, not to exceed six square feet per sign and to be placed one per street;

(J) Real estate signage, as follows.

<b>Temporary on-site real estate signage for all real estate:</b>
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<b>Lot or Tract Size</b>	<b>Maximum Sign Face Area Square Footage For All Signs</b>	<b>Placement</b>
Two acres or less	4 square feet	Discretion of user
Two to ten acres	16 square feet	No more than 1 sign per abutting street
Ten acres or more	A base of 16 square feet, however, an additional 16 square feet are permitted for every 800 feet of road frontage	Discretion of user, however, in no event will the total amount of square footage on any road exceed 32 square feet

(K) Temporary on-premises signs, as follows.

(1) On-site temporary signs used to promote any event of a temporal nature are allowed in any zoning district;

(2) Temporary construction signs, one per site not exceeding 32 square feet in area. May contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape-architect, contractor and subcontractor. Such signs shall not be erected prior to preliminary plat approval when the development comes under the village subdivision regulations. When the project is not under such regulation, the letting of contracts will be the point in time at which such signs may be posted;

(3) (a) Temporary agricultural signs, if on-premises, do not require a sign permit. They are, however, subject to area requirements as follows: the sign may not exceed 16 square feet, nor exceed six feet in height, nor be illuminated. These signs are to be erected no sooner than one week prior to the beginning of the harvest season and must be removed immediately upon the end of the harvest season.

(b) *Temporary agricultural sign.*

<b>Temporary Agricultural Sign Permit Requirements</b>	
Located on-premises	No permit required

(4) Unless specified otherwise, all temporary signs must be removed within ten days from the date the purpose of the sign ceased to exist.

(L) Signs for home occupations and rural home occupations as follows:

(1) Home occupation: one non-illuminated sign not to exceed six square feet and located in the Table of Sign Requirements in § 151.07 of this chapter; and

(2) Temporary Off-Premises Signs. The purpose of this section is to control and limit the amount of off-premises signs allowed in the village and its ETJ. The result of this chapter will control clutter within the village limits and prevent obstructions in the sight line along roadways.

(a) Temporary off- premises signs advertising real estate, auctions, special events, political candidates or referenda, and garage/yard sales will be allowed only when the following conditions are met.

(b) Off-premises signs not specifically listed in this section are strictly prohibited.

(M) Planned development signs, as follows:

(1) Up to two signs advertising any planned development located within all or part of the village's jurisdictional area. Subdivisions that are not entirely or partially located within the village's jurisdictional area are prohibited from placing signs within said jurisdictional area;

(2) Signs shall be placed only at street intersections;

(3) Signs shall be placed at no more than two street intersections within one mile of an entrance to subject subdivision, or at the nearest intersection of a major thoroughfare;

(4) Signs shall not exceed six square feet in size;

(5) Signs shall not exceed four feet in height measured from the top of natural grade to the uppermost part of the sign;

(6) Signs may be posted between the hours of 12:00 p.m. on Friday and 7:00 a.m. the following Monday; and

(7) All components of the sign, including the sign face, stakes, posts, frames or any other supporting element must be removed from the property when signs are collected by 7:00 a.m. Monday.

(N) Directional signs for individual parcels for sale, rent, or lease, as follows:

(1) Signs shall not exceed three square feet in size;

(2) Signs shall not exceed three feet in height measured from the top of natural grade to the uppermost part of the sign;  
and

(3) When property is no longer for sale, all components of the sign, including the sign face, stakes, posts, frames or any other supporting element must be removed from the property within 48 hours.

(O) Auctions, as follows:

(1) Up to two signs advertising a one-time auction of real estate or personal or business items may be erected up to 15 days prior to the advertised date of the auction located within all or part of the village's jurisdictional area;

(2) Signs shall be posted not more than one mile from auction site or at the nearest intersection of a major thoroughfare;

(3) Signs shall not exceed 16 square feet in size;

(4) Signs shall not exceed six feet in height measured from the top of natural grade to the uppermost part of the sign;  
and

(5) Upon conclusion of the auction, all components of the sign, including the sign face, stakes, posts, frames or any other supporting element must be removed from the property immediately and the land returned to its previous state.

(P) Special events, as follows:

(1) Advertising for special events shall be limited to nonprofit, noncommercial organizations such as religious institutions, civic organizations, and schools;

(2) Up to two signs advertising a one-time special event may be erected up to 15 days prior to the advertised date of a special event located within all or part of the village's jurisdictional area;

(3) Signs shall be posted not more than one mile from special event site or at the nearest intersection of a major thoroughfare;

(4) Signs shall not exceed 16 square feet in size;

(5) Signs shall not exceed six feet in height measured from the top of natural grade to the uppermost part of the sign;  
and

(6) Upon conclusion of the special event, all components of the sign, including the sign face, stakes, posts, frames or any other supporting element must be removed from the property immediately and the land returned to its previous state.

(Q) Garage/yard sales, as follows:

(1) Up to two signs advertising individual or neighborhood sales are permitted up to 48 hours prior to the advertised time of the sale located within the village's jurisdictional area;

(2) Signs shall not exceed six square feet in size;

(3) Signs shall not exceed four feet in height measured from the top of natural grade to the uppermost part of the sign;  
and

(4) Upon conclusion of the garage/yard sale, all components of the sign, including the sign face, stakes, posts, frames and/or any other supporting element must be removed from the property within 48 hours.

(R) Political signs, as follows:

(1) All political signs must adhere to policies and regulations of Board of Elections. If any of the following provisions are in conflict with regulations set forth by the Board of Elections, the stricter of the regulations shall apply with no effect to the remaining regulations;

(2) Sign may not exceed six square feet;

(3) Sign shall not exceed four feet in height measured from the top of the natural grade to the uppermost part of the sign;

(4) Political signs may be displayed during a period beginning 45 days prior to an election and removed seven days after the election. In the event of a runoff election, political signs for the candidates involved may remain on display until seven days after the runoff election;

(5) Upon conclusion of the election, all components of the sign, including the sign face, stakes, posts, frames or any other supporting element must be removed from the property and the land returned to its previous state; and

(6) All portable or roof-mounted political signs are prohibited.

(Ord. passed 4-16-2007)

#### **§ 151.04 SIGNS REQUIRING A PERMIT.**

(A) *On-premises signage.*

(1) On-premises signage is allowed in the various zoning districts of the village of and its ETJ as set forth in Table of Sign Requirements located in § 151.07 of this chapter. It may be either freestanding signage or attached to principal and accessory buildings. When attached, it is considered a part of the structure and is subject to the height and setback regulations governing the building.

(2) On-premises signs shall be constructed of rigid, durable material (masonry, metal, or wood that is primed and painted) that will not rust, fade, rot or become structurally unstable,

(3) (a) On-premises signs shall receive routine maintenance including, but not limited to, painting, cleaning, and replacement of damaged components, to remain in good repair.

(b) Should such signs fall into disrepair, the sign applicant shall be found in violation of the standard listed above and subject to both the penalties set forth in § 151.99 of this chapter and the requirements set forth in §151.07(F).

(B) *Permanent off-premises directional signs.* Off-premises signs within the village jurisdiction directing the public to any nonprofit organization shall be allowed only when the following conditions are met.

(1) Permanent off-premises directional signs shall be limited to nonprofit organizations such as religious institutions, civic organizations, and schools;

(2) Prior to the issuance of a zoning compliance permit for an off-premises sign, a NCDOT permit must be issued by the District 2 Engineer's office;

(3) A location site plan shall be required to ensure sign placement will not encroach in the NCDOT right of way and sight distance triangle (The site plan shall be drawn to scale showing the property dimensions as well as the NCDOT right of way);

(4) Where two or more organizations operate from the same building or site, a total of two off-premises directional signs shall be allowed;

(5) Signs shall not exceed six square feet in size;

(6) Signs shall not exceed four feet in height measured from the top of natural grade to the uppermost part of the sign;

(7) Sign shall not be lighted;

(8) Sign may bear the name of the organization and/or its logo, and a directional arrow only;

(9) Permanent off-premises directional signs are to be constructed of rigid, durable material (masonry, metal, or wood that is primed and painted) that will not rust, fade, rot or become structurally unstable.

(a) Off-premises signs shall receive routine maintenance including, but not limited to, painting, cleaning, and replacement of damaged components, to remain in good repair; and

(b) Should signs fall into disrepair, the sign applicant shall be found in violation of the standard listed above and subject to both the penalties set forth in § 151.99 and the requirements set forth in §151.07(F).

(10) All components of the sign, including the sign face, stakes, posts, frames or any other supporting element must be removed from the property upon permanent cessation of the business operation.

(Ord. passed 4-16-2007)

**§ 151.05 PERMIT PROCEDURE.**

(A) Sign permits are obtained from the office of the Zoning Administrator or Village Clerk and run with the life of the sign.

(B) Additionally, all signs require a building permit from the County Inspections Department.

(C) Those signs which are illuminated also require an electrical permit, also available from the Inspections Department.

(D) The applicant must bring a drawing of the sign showing size and location.

(Ord. passed 4-16-2007)

**§ 151.06 MISCELLANEOUS REGULATIONS.**

(A) *Height.* All signs that do not have specific height requirements set forth in §151.07 of this chapter shall follow the height limitations of the underlying zoning district's regulation for accessory structures.

(B) *Illumination.*

(1) No flashing or intermittent illumination shall be used on an advertising sign or structure.

(2) Time and temperature signs are excluded from this definition.

(3) All illuminated signs or structures shall be placed so as to prevent the light rays or illumination therefrom being cast directly upon any residential dwelling or road right-of-way.

(4) Furthermore, continuously illuminated neon signs may only be located behind a window of the principal use with which is associated.

(C) *Imitation traffic signs.* No sign shall be illuminated, constructed, or displayed in any manner which simulates official traffic or public notice signs or signals.

(D) *Restrictions on direct illumination, banners, streamers, and the like.* No source of illumination on a sign, such as floodlights, spotlights, unshielded bulbs, and the like, shall be directly visible from any public right-of-way, from any residential district or from adjacent premises.

(E) *Prohibited locations for signs.*

(1) Except where specifically permitted by this chapter, signage, inclusive of the supports, frames and embellishments thereto, shall not be located within the public right-of-way, or sight preservation triangle as defined in this chapter.

(2) No sign shall be attached, affixed or painted upon any utility poles, any tree, rock or other neutral object. No sign shall be permitted on the side street frontage of a corner lot, if such sign is located within 100 feet of a residential district.

(F) *Maintenance of signs/removal of abandoned signs.* All signage in the village's jurisdiction is to be kept in good, presentable condition. Paint is to be intact, neither peeling nor faded. Signs are also to be kept structurally sound capable of standing erect or remaining securely attached. Once a sign is deemed abandoned the owner shall remove it and, furthermore, no new sign permit shall be issued for a new use until the abandoned sign is removed or brought up to standard.

(G) *Permit required.* It is unlawful for any person to erect, construct, enlarge, alter, or relocate a sign within the village and its ETJ thereon without having first obtained a permit from the Zoning Administrator or Village Clerk unless otherwise exempted in this chapter.

(H) *Inspection.* Every sign erected in the village and its ETJ shall be subject to the inspection of the Zoning Administrator/Inspector to assure compliance with the provisions of this chapter. Signage with electrical wiring is to be inspected and approved prior to connection to the power source.

(I) *Illegal signs.* Any sign erected in violation of the provisions of this chapter is an illegal sign and shall be removed.

(J) *Failure to comply.* Failure to comply with any of the provisions herein will be handled as a violation of this chapter and subject to the provisions of § 151.99.

(K) *Emergency removal.* The Zoning Administrator is hereby authorized to cause the immediate removal of any sign found to be unsafe or defective to the extent it creates a hazard to persons or property.

(Ord. passed 4-16-2007) Penalty, see § 151.99

**§ 151.07 TABLE OF SIGN REQUIREMENTS.**

<b>Sign Type</b>	<b>Number Allowed</b>	<b>Maximum Sign Area</b>	<b>Maximum Height</b>	<b>Sign Location</b>
<b>Ground sign</b>				
Individual business	1 per street frontage	32 square feet	6 feet	Outside street right-of-way and sight triangle
Combined development	1 per street frontage	32 square feet plus 8 square feet per additional tenant	10 feet	
Subdivision and MHP entrance sign	1 per entrance road	32 square feet	6 feet	
Apartments and condominiums	1 per entrance	32 square feet	6 feet	
Group care facilities, boarding houses, bed and breakfasts, inns, and similar uses	1 per premise	16 square feet	4 feet	
Churches, schools, public buildings, and similar uses	1 per premise	16 square feet	4 feet	
Home occupation	1 per premise	Six square feet	4 feet	
<b>Wall Sign</b>				



Individual business and combined development	1 per street frontage	50 square feet	Not to extend above or beyond any wall (includes window area)	N/A
Canopy and/or awning signs	May be substituted for allowed wall sign	20 square feet	N/A	

(Ord. passed 12-14-2020)

**§ 151.99 PENALTY.**

- (A) The Mayor or his or her designee shall be the enforcement authority for the provisions of this chapter.
- (B) All signs requiring a permit must be permitted by the appropriate authority as described in this chapter.
- (C) The village retains the right to pursue violators of this chapter through civil penalties as allowed by state law. In addition to any procedures allowed under state law, the village has the right to impose penalties as follows.
  - (1) First citation: \$25 fine;
  - (2) Second citation for same offense: \$50 fine; and
  - (3) Third citation for same offense: \$200 fine.
  - (4) The subsequent violation of this chapter by the same person, entity or firm, for the same offense shall be cumulative for the purposes of determining penalties.

(Ord. passed 4-16-2007)

**CHAPTER 152: ZONING**

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Section

152.01 Regulations adopted by reference

**§ 152.01 REGULATIONS ADOPTED BY REFERENCE.**

The village’s zoning ordinance, and any and all amendments thereto, are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. passed - -; Ord. passed 3-19-1990; Ord. passed 11-15-2004; Ord. passed 5-19-2008; Ord. passed 1-13-2014; Ord. passed 10-16-2017; Ord. 19-O-1, passed 3-18-2019; Ord. 19-O-2, passed 3- 18-2019; Ord. 20-O-4, passed 10-19-2020; Ord. 21- O-02, passed 4-19-2021)

**TABLE OF SPECIAL ORDINANCES**

Table

- I. REZONINGS
- II. FRANCHISE AGREEMENTS
- III. STREETS

**TABLE I: REZONINGS**

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<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
19-O-04	9-16-2019	Adopting the rezoning of certain property (parcel #s: 36619; 36620; and 39292) from Neighborhood Residential to General Business

19-O-06	9-16-2019	Rezoning certain property (parcel #s: 36619; 36620; and 39292) from Neighborhood Residential to General Business
20-O-3	7-30-2020	Rezoning certain described tracts of land (parcel #s: 77304; 77305; 77306; 77307; 77308; 77309; 77310; 77311; 77312; 77313; 77314; 77315; 77316; 77317; 45792; 45793; 06685; 09648) from Agricultural-Residential to Office and Institutional
21-0-01	--	Rezoning certain property (parcel # 41152) from Agricultural-Residential to General Business

## TABLE II: FRANCHISE AGREEMENTS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
	11-15-2004	Granting a cable system franchise to Frontier Vision Operating Partners, I/k/a Adelphia Cable Communications

## TABLE III: STREETS

<i>Ord./Res. No.</i>	<i>Date Passed</i>	<i>Description</i>
R. -	1-19-1981	Designating the name of Pine Street to Moore Street
-	1-19-1981	Designating prefixes for certain streets and parts thereof

## PARALLEL REFERENCES

References to North Carolina General Statutes

References to Prior Code

References to Resolutions

References to Ordinances

## REFERENCES TO NORTH CAROLINA GENERAL STATUTES

<i>G.S. Cites</i>	<i>Code Section</i>
1-593	10.05
14-4	93.99
14-4(a)	10.99
Ch. 20	110.03

20-4.01	71.02
20-4.01(12b)	71.02
Ch. 44A, Art. 1	92.09
136-143	92.12
143-128.2	34.02
143-129	31.04
Ch. 160A, Art. 12	34.03
160A-175	10.99
Ch. 162B	33.20
162B-10	33.28
164-7	10.14

## REFERENCES TO PRIOR CODE

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<i>Prior Code</i>	<i>2021 Code</i>
1-8	11.01
2-1	31.01
2-2	31.02
2-3	31.03
2-4	31.03
2-5	31.03
2-6	31.04
2-7	30.01
2-8	30.02
2-9	30.03
2-10	30.04
2-11	30.05
2-12	30.06
2-13	30.07
2-14	32.01
2-15	32.02
2-17	32.03
2-18	32.04
2-19	33.01
2-20	33.02
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2-26	33.22
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2-32	33.27
2-33	33.28

2-34	31.15
2-35	31.16
2-36	31.17
2-37	31.18
2-38	31.19
2-39	31.20
2-40	31.21
3-1	90.01
3-2	90.02
3-3	90.03
3-4	90.04
3-5	90.05
3-6	90.06
3-7	90.07
3-8	90.08
4-1	91.01
4-2	91.02
4-3	91.03
4-4	91.04
4-5	91.04
4-6	91.05
4-7	91.06
4-8	91.07
4-9	91.08
4-10	91.08
4-11	91.08
4-12	91.08
5-1	130.01
5-2	130.02
6-1	70.01
6-2	70.02
6-3	70.03
6-4	70.04
6-5	70.05

## REFERENCES TO RESOLUTIONS

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<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	1-19-1981	TSO Table III
-	8-1-2007	34.01
-	2-18-2008	34.02
-	12-8-2008	50.01

## REFERENCES TO ORDINANCES

<b>Ord. No.</b>	<b>Date Passed</b>	<b>Description</b>
-	--	90.20—90.31; 90.99
-	--	152.01
-	1-19-1981	150.01—150.05
-	1-19-1981	TSO Table III
-	7-19-1982	130.03—130.05; 130.99
-	3-19-1990	152.01
-	5-16-1994	93.01; 93.99
-	6-20-1994	30.01; 31.01; 32.02
-	6-20-1994	70.01
-	6-20-1994	90.02; 91.04
-	6-20-1994	92.01—92.13
-	6-16-2003	130.05
-	11-15-2004	152.01
-	11-15-2004	TSO Table II
-	4-16-2007	151.01—151.07, 151.99
-	5-19-2008	152.01
-	1-27-2009	90.20
-	5-2-2011	90.09; 90.99
-	1-13-2014	152.01
02-16-2015	2-16-2015	91.20; 91.21
-	10-16-2017	152.01
18-O-1	3-19-2018	91.20
18-O-2	4-16-2018	34.03
19-O-1	3-18-2019	152.01
19-O-2	3-18-2019	152.01
19-O-06	9-16-2019	TSO Table I
19-O-04	9-16-2019	TSO Table I
19-O-05	10-21-2019	71.01—71.04; 71.99
20-O-3	7-30-2020	TSO Table I
20-O-4	10-19-2020	152.01
-	12-14-2020	110.01—110.07; 110.99
21-O-01	--	TSO Table I
21-O-02	4-19-2021	152.01