
Town of Micro

Code of Ordinances



Amended Chapter 9 - 9/24
Added Chapter 10 - 2/26

Chapter 1

Sec. 1-01. Organization

The Chief of Police or Designee shall be the head of the police department and he/she and such employees as the town council may deem necessary shall constitute the police department.

Sec. 1-02. Chief of Police or Designee--Generally

The Chief of Police or Designee, subject to the Police Commissioner, shall have charge of the police department and shall be responsible to the Town Mayor in seeing that the police officers faithfully perform their duties

Sec. 1-03. Police power extended to town property

The police power of the town is hereby extended to include all lands or property owned or leased by the town or any agency of the town, and the general ordinances of the town shall be applicable on such property.

Sec. 1-04. Employment of special police officers

The Police Chief or Designee and Police Commissioner may, when he deems it necessary, employ as many special police officers as are necessary to preserve peace.

Sec. 1-05. Right of entry

Members of the police department shall have power to enter the enclosure and house of any person without warrant when they have good reason to believe that a felony or other infamous crime has been or is about to be committed or for the apprehension of a person so offending.

Sec. 1-06. Assignment of duties to police officers

The Chief of Police or Designee shall assign such duties to the police officers as he thinks best for the good order of the town.

Sec. 1-07. Appearance of police officers

The Chief of Police or Designee shall see that the members of the police department present a neat and respectable appearance.

Chapter 2

DUTIES

Sec. 2-01. Preservation of public peace; prevention of crime; detection, etc., of offenders; suppression of riots, etc

It shall be the duty of the police officers to preserve public peace, prevent crimes, detect and arrest offenders, suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks and public places.

Sec. 2-02 Protection of rights of persons and property.

It shall be the duty of the police officers to protect the rights of persons and property.

Sec. 2-03. Guarding public health

It shall be the duty of the police officers to guard the public health.

Sec. 2-03. Preservation of order at elections, etc

It shall be the duty of the police officers to preserve order at elections and all public meetings and assemblages.

Sec. 2-04. Regulation of movement of pedestrians and vehicles

It shall be the duty of the police officers to regulate the movement of pedestrians and vehicles in the streets, bridges, parks and public squares.

Sec. 2-05. Inspection and observation of places of public amusement

It shall be the duty of the police officers to carefully observe and inspect all places of public amusement and all places of business having license to carry on such business and to suppress and restrain all unlawful and disorderly conduct or practices therein.

Sec. 2-06. Enforcement of penalties for violation of laws, etc

It shall be the duty of the police officers to enforce penalties for the violation of laws and of provisions of this Code and other ordinances of the town.

Sec. 2-07. Arrest of person violating law or ordinance

It shall be the duty of the police officers to arrest persons guilty of violating any law or any provision of this Code or other ordinance of the town.

Sec. 2-08. Prevention of damage to town property, etc

It shall be the duty of the police officers to prevent as far as possible any injury to town property and buildings, streets and sidewalks.

Sec. 2-09. Future use

Sec. 2-10. Service of process

It shall be the duty of the police officers to serve all processes issued to them.

Sec. 2-11. Additional duties

It shall be the duty of the police officers to perform any and all other duties that may be assigned to them by the Chief of Police or Designee.

Chapter 3

Sec. 3-01 Beverages--Drinking, display, open containers, in public places or at athletic contests

(a) It shall be unlawful for any person to drink, to consume or to possess open containers of malt beverages and unfortified wine on public streets, parking lots or other publicly-owned property or to make any public display of malt beverages or unfortified wine at any athletic contest in the town, except as permitted by rules of the town governing events held.

(b) Violation of this section shall constitute a misdemeanor and shall be punishable by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days.

Sec. 3-02. Disorderly conduct

No person shall engage in any disorderly conduct.

State law references: Disorderly conduct in or near public buildings, **G.S. § 14-132**; disorderliness in public places, **G.S. § 14-334**.

Sec. 3-03. Loafing, loitering, etc.--On streets or sidewalks

No person shall habitually loaf, loiter or congregate on the streets or sidewalks in such a way as to obstruct or interfere with the public passageway or the free passage into or out of any public business, or private property. It shall be the duty of the police officer who observes a violation of this section first to warn the offender and upon his failure to heed the warning the officer is to arrest the offender.

Sec. 3-04. Masks; wearing in public

(a) It shall be unlawful for any person to appear in the town on or in any street or alley or upon any property other than his own premises while wearing a mask, hood or other device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, except as provided in subsection (b) of this section.

(b) Subsection (a) of this section shall not apply to the following:

- (1) Children under the age of twelve;
- (2) Workers while engaged in a work wherein a covering is worn for physical safety and protection against occupational hazards or because of the nature of the occupation, trade or profession;
- (3) Persons while engaged in theatrical productions or masquerade balls;
- (4) Persons while wearing gas masks prescribed in civil defense drills and exercises, or by authorized persons in emergencies.

(c) It shall be unlawful for any parent, guardian or other person standing in loco parentis to knowingly permit any minor child or ward in his care and custody to violate the provisions of this section. Violation of this section shall be punishable by fine not exceeding fifty dollars (\$50.00) or imprisonment of not less than thirty (30) days.

Sec. 3-05. Trick or treat visitations

(a) It shall be unlawful for any person to appear on or in any public street or alley of the town or upon any property than his own premises for the purpose of making trick or treat visitations, except as provided in subsection (b) of this section.

(b) Subsection (a) of this section shall not apply to children twelve (12) years of age and under before the hour of 8:00 p.m. on each Halloween night in the residential areas of the town.

(c) It shall be unlawful for any parent, guardian or other person standing in loco parentis to knowingly permit any minor child or ward in his care and custody to violate the provisions of this section.

Sec. 3-06. Public conveyances; riding without paying fare.

No person, except a person entitled to free transportation, shall ride upon any bus, taxicab or other public conveyance without paying therefore the fare prescribed or allowed by law.

Sec. 3-07. Weapons--Discharging firearms

The discharge of firearms within the corporate limits of the town is prohibited except in the lawful defense of persons or property; by a police officer in the lawful discharge of his duties by a person enrolled in an approved firearms training program under direct supervision at facilities approved by the police chief; by any person upon the premises of a gun club, shooting club, skeet range or other facility open to its members or to the general public which has been inspected and approved by the police chief or Designee and which is located indoors.

Sec. 3-08. Dangerous missiles

No person shall shoot or project any stone, rock, shot or other hard substance by means of a sling shot, bean shooter, shot shooter, air rifle, pop gun, bow or other similar contrivance; provided, that archery shooting may be engaged in on such grounds as may be set aside and approved therefore by the town council.

Sec. 3-09. Weapons prohibited on town property

(a) Except as provided in subsection (b) below, all persons are prohibited from possessing weapons as defined in **G.S. § 14-269** in town owned buildings, their appurtenant premises, and parks.

(b) This prohibition shall not apply to the following persons:

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

(2) Civil officers of the United States while in the discharge of their official duties.

(3) Officers and soldiers of the militia and the National Guard when called into actual service.

(4) Sworn law enforcement officers.

(c) A conspicuous notice shall be posted at each entrant to any property set forth in subsection (a) above stating: "Possession of weapons or carrying a concealed handgun is prohibited."

(d) Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined five hundred dollars (\$500.00) or imprisoned for six (6) months or both.

(e) Weapons possessed in violation of this section are hereby declared to be contraband. The Chief of Police or Designee or his designee shall hold such weapon for disposal pursuant to court order.

In the absence of any court order, the weapon shall be destroyed.

Sec. 3-10. Solicitation on streets and highways

No person shall stand on any street, highway, or right-of-way, excluding sidewalks, while soliciting or attempting to solicit, any employment, business, or contributions from the driver or occupants of any vehicle except for licensees, employees, or contractors of the department of transportation or of the town engaged in construction or maintenance or in making traffic or engineering surveys.

Sec. 3-11 Permit for injuring, etc., trees, etc., in parks or streets

It shall be unlawful for any unauthorized person without a permit from the town to plant, cut, prune, remove, misuse, break, climb or injure any trees or plants in the public parks or streets in the town. Any work under such permit shall be performed in strict accordance with the terms thereof.

Sec. 3-12 Traffic Law Enforcement by Police and Firefighters

(a) The town police officers shall at all times have the duty of enforcing the traffic code of the town and the traffic laws of this state, to direct all traffic in conformance with the provisions of this chapter and the state laws, and shall have the power and duty, in the event of a fire or other emergency or to expedite traffic or to ensure safety, to direct traffic as conditions may require, notwithstanding any provisions of the state laws or the ordinances of the town. In the event of fire, the members of the fire department shall have the same powers in regard to direction of traffic as are herein given to the police officers.

(b) It is unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer or of a firefighter when authorized under the provisions of this section to direct traffic.

Sec. 3-13 Vehicle usage

(a) The term "motor vehicle" is hereby defined to include, but is not limited to, automobiles, trucks, minibikes, go-carts, motor bikes, motorcycles or any other self-propelled motorized vehicle.

(b) The term "other vehicle" is hereby defined to include, but is not limited to, bicycles.

(c) It shall be unlawful for any person to drive or propel any motor vehicle or other vehicle in, over or through any park, except along and upon regularly-established roadways and parking lots.

(d) It shall be unlawful for any person to park or permit the parking of any vehicle anywhere, except upon designated parking areas authorized by the Town Board.

Sec. 3-14 Parking Violations

If person shall violate a provision of this chapter regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00). Violation of vehicle ordinance, **G.S. § 14-4(b)**.

Sec. 3-15 Vehicles left standing

- (a) It is unlawful for any person to abandon or leave standing on the streets of the town any vehicle for a longer continuous period than twenty-four (24) hours; provided, however, that the provisions of this section shall not apply to vehicles standing in front of a residence or place of business owned or occupied by the owner or custodian of such vehicle. When a vehicle is left standing on any of the streets of the town in violation of this section, the police department shall take custody of the vehicle and remove such vehicle from the street, and the owner thereof, before he shall be entitled to possession of the vehicle, shall pay to the town any expense incurred in removing such vehicle from the street and keeping the vehicle in custody.
- (b) It is unlawful for any person to leave standing on the streets where as to impede the continuance flow of traffic. The officer will exhaust all possible leads to attempt to locate the driver or owner of said vehicle. After 15 minutes if the officer can not locate the driver or owner of said vehicle, the officer will request a rotation wrecker to remove vehicle from the roadway to restore order.

Sec. 3-16 Truck/Parking

- (a) All owners of motor truck carriers operating as either common or contract carriers over regular or irregular routes, all passenger bus carriers, and all other owners of motor trucks of one-ton capacity or over or trailers of any kind, including house trailers, whose trucks, truck tractors, trailers, semi-trailers, house trailers, or buses at any time are operated into, out of, through, or within the corporate limits of the town and the drivers and operators of any such vehicles shall use private property for parking and storing such vehicles within the corporate limits. Furthermore they are prohibited from using the public streets in the residential sections of the town except for the purpose of travel and transportation unless otherwise posting prohibiting such, loading and unloading passengers and freight, and for temporary parking in the cases of emergency involving a mechanical breakdown necessitating repairs to any such vehicle.
- (b) No person shall stand or park a detached trailer or van upon any street for the principal purpose of storage thereof when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another.
- (c) It shall be unlawful for any person to park any oversized vehicle or trailer on any street within the corporate limits of town. This section does not apply to public utility vehicles or when engaged in loading and unloading, or when vehicle is being used for emergency services or for temporary uses at construction sites during the period of active construction.

- (d) It shall be unlawful for any person to park any vehicle:
1. In front of, or within 15 feet in any direction of a fire hydrant or fire station driveway.
 2. On a sidewalk.
 3. On a street in front of a public or private driveway.
 4. Within 25 feet of the intersection of curb lines or stop signs.
 5. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
- (e) It shall be unlawful to park and leave standing, while attended or unattended, any vehicle carrying propane, fuel oil, gasoline, or any other combustible material or fuel upon any residential street within town limits, provided further that this section shall not apply to those vehicles distributing such material or fuel to customers.

Sec. 3-17 Repair of vehicles on streets

No person shall engage in the making of any repairs, alterations or adjustments to any motor vehicle on the streets of the town for a longer period than thirty (30) minutes in connection with any one (1) repair, alteration or adjustment to such motor vehicle.

Sec. 3-18 Handicapped parking

- (a) Any person who falls within the definition of handicapped as defined in **G.S. 20-37.5** shall be allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted. As a condition to this privilege, the vehicle shall display a distinguishing license plate or placard, which shall be issued for vehicles registered to the disabled person.
- (b) It shall be unlawful to park or leave standing any vehicle in a space designated for physically handicapped persons when such vehicle does not display the distinguishing license plate or placard as provided in this section where appropriate aboveground signs or symbols and words giving notice are posted. Persons not qualifying for the rights and privileges extended to handicapped individuals by the unauthorized use of a distinguishing license plate or placard issued pursuant to the provisions provided are in violation of this section. **G.S. § 20-37.6**

Sec. 3-19. Trespassing; enforcement

Present and future officers of the police department are hereby authorized to act as agents for property owners and tenants to enforce regulations against trespassing on private property located within the corporate limits of the town upon specific request by such property owners or tenants, pursuant to a written agreement with the police department.

Sec. 3-20. Fighting in streets

Any person causing a breach of the peace by a street quarrel or fight shall be guilty of a misdemeanor.

State law references: G.S. § 14-271.

Sec. 3-21 Prohibited acts

All disorderly conduct, hollering or indecent exposure of the person shall be a misdemeanor.

State law references: Indecent exposure, **G.S. § 14-190.9.**

Sec. 3-22 Indecent language prohibited.

Any person who engages in loud and boisterous profanity and the use of indecent language upon any street, alley or public facility in the town shall be guilty of a misdemeanor.

State law references: Using profane or indecent language on passenger trains, **G.S. § 14-195**; telephone harassment, **G.S. § 14-196**; using profane or indecent language on public highways, **G.S. § 14-197.**

Sec. 3-23 Playing in public ways

Any person who shall play or catch a ball or play marbles on any of the streets, sidewalks or alleys of the town limits or on the premises of any person without the consent of the owner or occupant of the premises shall be guilty of a misdemeanor.

Sec. 3-24 Animals

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood.

Sec. 3-25 Reselling town water prohibited

No person to whom water is furnished and sold by the town from its water system shall resell, barter or otherwise engage in the commercial distribution of such water, whether within or without the corporate limits of the town.

Sec. 3-26 Begging

It shall be unlawful for any person to beg upon the right-of-way of streets or elsewhere within the city limits of the town without written permission from the director of public safety of the town and the Chief of Police or Designee.

State law references: Authority to regulate and prohibit begging, **G.S. 160A-179.**

Sec. 3-27 Destruction of park property

It shall be unlawful for any person to remove, destroy, mutilate or deface any structure, monument, statue, planter, fountain, wall, fence, railing, vehicle, bench, tree, plant or any other property in any park.

Sec. 3-28 Disorderly conduct

It shall be unlawful for any person to use any boisterous or insulting language or to be guilty of disorderly conduct of any kind in any park.

Sec. 3-29 Dumping

No person shall deposit, dump, throw, cast, lay or place or cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, soil or earth, paper, garbage, refuse, debris, plant clippings, limbs or leaves in or upon any park or park land or any watercourse, lake, pond or slough within any park lands.

Sec. 3-30 Excavations

It shall be unlawful for any person to make an excavation in any park for any purpose without written permission from the city manager or his designee.

Sec. 3-31 Firearms

(a) It shall be unlawful for any person, except duly authorized town employees in the course of their duties, to shoot, fire or explode or cause to be shot, fired or exploded any firearm, including but not limited to toy pistols, toy guns or other toy arms designed to forcibly hurl a projectile or missile, at any time or under any circumstances within any park or to carry any firearms in any park.

(b) Archery equipment, slingshots or other similar devices may be shot or discharged only in those areas within the park which may be specifically set aside for such purposes by the city manager and so posted.

Sec. 3-32 Fires

It shall be unlawful for any person to make or kindle a fire in any park except in a regularly-constructed or appropriate portable fireplace or grill. It shall be unlawful for any person to leave any fire unattended or to fail to completely extinguish a fire and all embers thereof before leaving such fire.

Sec. 3-33 Gambling

It shall be unlawful for any person to conduct or carry on any game of chance at which money, property or any other thing of value is bet, whether the same be in stake or not, in any park.

Sec. 3-34 Games and sports

(a) It shall be unlawful for any person to play football, golf, baseball or other games of like character in any area in any park when signs are posted in such areas specifically prohibiting such games.

(b) At no time and under no circumstances shall such games be played in such proximity to playground equipment or park structures as to threaten harm to persons using the park or damage to the park structures.

Sec. 3-35 Indecent behavior

No person shall make indecent or vulgar motions or do any indecent or vulgar acts whatever or exhibit any indecent, vulgar or lewd articles or pictures in view of any person within any parks in the town.

Sec. 3-36 Plant material tampering

It shall be unlawful for any person to dig, cut, bruise, mutilate or cause to be transplanted, cut, bruised, debarked or mutilated any plant material of all and any description within any park land.

Sec. 3-37 Selling, peddling, etc.

It shall be unlawful for any person to engage in soliciting, peddling, begging or selling goods or merchandise or to sell, hawk or vend food or drink within the parks unless written authorization is given by the city manager or his designee and unless such selling, peddling, soliciting, etc., is in accordance with other applicable provisions of this article and state and local laws and regulations.

Sec. 3-38 Open fires--Prohibited

No open fires are permitted in the town for the purpose of burning leaves, trash or other combustible material. Private incinerators of metal or outdoor fireplace construction are considered as open-burning, and their use is not allowed. The use of barbecue grills for the preparation of family meals is exempt

Sec. 3-39. Noises prohibited; nuisances

It shall be unlawful to create, cause, or allow the continuance of any unreasonably loud, disturbing, unusual, frightening or unnecessary noise, particularly during nighttime, which seriously interferes with neighboring residents' reasonable use of their properties. Such noise may include, but is not limited to, the following:

- (1) *Yelling, shouting, whistling, or singing.* Yelling, shouting, whistling, or singing on the public streets or private property at nighttime.
 - (2) *Noisy parties.* Congregating because of, or participating in any part of, gathering of people, during nighttime.
 - (3) *Loading operations.* Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans, or other similar objects during nighttime.
 - (4) *Repair of motor vehicles.* The repair, rebuilding, or testing of any motor vehicle during nighttime.
 - (5) *Radio, phonograph, television, or musical instrument.* The playing of any radio, phonograph, musical instrument, television, or any such device, particularly during nighttime.
- (b) *Specific prohibitions.* The following acts are prohibited and shall be considered nuisance acts:
- (1) *Horns and signaling devices.* The intentional sounding of any horn or signaling device of a motor vehicle on any street or public place continuously or intermittently, except as a danger or emergency warning.
 - (2) *Motor vehicles.* Operating or permitting the operation of any motor vehicle or motorcycle not equipped with a muffler or other device in good working order, Prohibiting the use of compression release engine brakes "Jake Brake" that may cause a vehicle to make a loud chattering or "machine gun " exhaust noise in municipal limits so as to effectively prevent loud or explosive noises there from.

- (3) *Exterior loud speakers.* Operating or permitting the operation of any mechanical device or loudspeaker, without permit to do so, in a fixed or movable position exterior to any building, or any motor vehicle.
- (4) *Amplified sound.* The use or operation of any radio, loud speaker, or any other instrument, or sound amplifying devices within a building or on a motor vehicle in a manner that disrupts or interferes unnecessarily with an individual's enjoyment of their property. The town council, however, may permit musical programs, speeches, or general entertainment as exception to this provision for limited time periods.
- (5) *Power equipment.* Operating or permitting the operation of any power saw, sander, drill, grinder, leaf blower, lawn mower, street sweeper or other garden equipment, or tools of a similar nature, outdoors, during nighttime.
- (6) *Explosives.* The use or firing of explosives, firearms, fireworks, or similar device which create impulsive sounds.
- (7) *Security alarms.* The sounding of a security alarm, for more than twenty (20) minutes after being notified by law enforcement personnel.

Exceptions

The following are exempt from the provisions of this article:

- (1) Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays and weekends for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in properly operating condition.
- (2) Noises of safety signals, warning devices and all church bells, including simulated church bells.
- (3) Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.
- (4) Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the town in accordance with the above. Regulations of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained above.
- (5) Unamplified and amplified sound at street fairs conducted by or for the town.
- (6) All noises coming from the normal operations of property equipped aircraft (not including scale model aircraft).
- (7) All noises coming from normal operation of motor vehicles properly equipped with the manufacturer's standard mufflers and noise-reducing equipment.
- (8) Noise from lawful fireworks and noisemakers on holidays and at religious ceremonies.
- (9) Lawn mowers, agricultural equipment, and landscape maintenance equipment used between the hours of 7:00 a.m. and 9:00 p.m. when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and properly operating condition.
- (10) Musical accompaniment or firearm discharge related to military ceremonies.
- (11) Sound amplification equipment used in conjunction with telecommunications systems on business properties to notify employees of that business of incoming phone calls, providing that this system be used only between the hours of 7:00 a.m. and 11:00 p.m. and that any speakers attached to the system be oriented toward the interior of the property.
- (12) Emergency work necessary to restore property to a safe condition following a fire, accident, or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.

(13) Noises resulting from the provision of government services.

(14) Noises resulting from the provision of sanitation services.

Violations

(a) Any person who violates any portion of this article shall receive an oral order to cease or abate the noise immediately, or within a reasonable time period. During nighttime, or if a second violation occurs within sixty (60) days, an oral order to cease or abate need not be issued prior to issuing a citation for violation of any portion of this article.

(b) If the order to cease or abate is not complied with, the person or persons responsible for the violation may be charged with a violation of this article and subject to a fine of fifty dollars (\$50.00).

Chapter 4

CONDITION OF RESIDENTIAL PREMISES

Sec. 4-01. Purpose and scope

It is the purpose of these provisions to protect both the rights of the individual residential property owner and the community itself by the following: minimizing discordant, unsightly, offensive surroundings; preserving the usefulness of the environment as well as protecting property values; promoting the character and integrity of the community; preserving the comfort, happiness and emotional stability of area citizens; and preventing potentially hazardous unsafe or unhealthy conditions. Towards this end, the following standards are set forth.

(1) It shall be unlawful for any responsible party, as defined herein, to allow unmaintained yard conditions on residential property, which detract from the appearance of the community thereby negatively impacting property values. Specifically it shall be unlawful for any person to allow such conditions by accumulating or allowing to remain on residential premises any personality or material which, alone or due to accumulations or concentrations thereof, creates a littered or unsightly appearance, including but not limited to: unmanicured grass 12 inches or greater, dilapidated furniture, appliances, machinery, equipment, building materials, plant materials, pottery or ceramic materials, automobiles or automotive parts, tires, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which are not completely enclosed within a building of a type which fully shields such material from the view of public streets and adjacent properties.

(2) "Responsible party" as used in this section, shall mean the owner, agent, tenant, occupant or lessee of residential property. "Owner, agent, tenant, occupant or lessee," as used in this section, shall mean anyone owning or occupying a residential property for seven (7) or more consecutive days, and who is thus responsible for correcting the violation. Where a tenant or lessee vacates a premises subsequent to receiving notification of a violation under these provisions, the responsibility for correcting the violation shall transfer to the property owner as listed for tax purposes.

Sec. 4-02. Procedures for notice and abatement of conditions

(a) Upon a determination that unmaintained yard conditions as described in this article exist, the town clerk or his designee shall provide notification in writing to the responsible party having control of the premises, as described herein, and shall order the prompt abatement thereof within ten (10) days of receipt of such written notice.

(b) If the responsible party, after having been ordered to abate the unmaintained yard conditions as described in this article, fails, neglects or refuses to abate or remove the conditions within ten (10) days from receipt of the order, the Town Clerk or his designee shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor hired by the town to go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the town Clerk. Nothing in this order shall prohibit the town from obtaining an appropriate equitable remedy, injunction, or order of abatement, or electing any other remedy allowed by **G.S. § 160A-175**.

(c) Any responsible party who has been ordered to abate an unmaintained yard condition may within the time allowed by this article request in writing that the town remove or abate such conditions, the cost of which shall be paid by the person making such written request.

Sec. 4-03. Cost of abatement to be charged to responsible party; statement of charges

The actual cost incurred by the town in removing or otherwise remedying the unmaintained yard condition shall be charged to the responsible party as defined in this article, and it shall be the duty of the Town Clerk to mail a statement of such charges to the responsible party with instructions that such charges are due and payable within thirty (30) days from the date of such statement.

Sec. 4-04. Lien created upon failure to pay abatement costs

In the event charges for abatement of non-maintained yard condition(s) are not paid by the responsible party or the property owner for tax listing purposes as provided for in subsection 1-16(2) above within thirty (30) days of the date of the statement of charges as provided for in this article, then such charges shall become a lien upon the land or premises where the conditions existed and shall be collected as unpaid taxes.

Sec. 4-05. Second and subsequent violations

Upon second and subsequent violations of this article by the responsible party as defined in this article no notice of the violation as provided in subsection 4-02(a) above shall be required, but the town, through its agents or employees, may enter upon such lots or premises and abate the unmaintained yard conditions, with all costs and expense thereof being paid by the responsible party, or becoming a lien on the premises as provided in this article.

Sec. 4-06. Civil penalty provided

(a) In addition to any other remedy specified in this article or as allowed by **G.S. § 160A-175**, a violation of any provision of this article may subject the responsible party to a civil penalty in the amount of fifty dollars (\$50.00). No penalty shall be imposed if the responsible party abates the unmaintained yard conditions within the prescribed time or requests the town to abate the conditions as allowed under subsection 4-02(c) above. If the conditions are not abated within the time prescribed, the penalty may be imposed for each day the conditions remained after the prescribed time limit was expired and terminating on the date the conditions were abated by the town.

(b) The responsible party shall be issued a written citation by delivery in person or mailed by certified or registered mail. The civil penalty must be paid within ten (10) days of receipt.

(c) The penalty may be recovered by the town in a civil action in the nature of debt if the responsible party does not pay the penalty within the prescribed period of time after issuance of the citation.

Sec. 4-07. Parks and Recreation Facilities Hours of operation

Parks and recreation facilities will open at 8:00 a.m. and close at 9:00 p.m. daily except for officially sanctioned or sponsored activities of the Town of Micro. The department may issue a permit to public agencies, charitable organizations or civic groups for a specific activity or event to extend into the closed hours if the activity is defined as "parks and recreation activities" of this chapter. Permits shall be issued for one (1) event on a set date and time.

Park hours at facilities without lighted fields, courts, etc. or regularly scheduled recreation activities are dawn to dusk. In addition, The Public Works Supervisor, Chief of Police or Designee has the authority to adjust specific park hours as needed to ensure the safety of the public and security of the facility. Any individual park hour changes must first be approved by the Town Board.

Chapter 5

PARADES AND SIMILAR ACTIVITIES

Sec. 5-01. Carnivals, circuses, etc

No carnivals, circuses, agricultural fairs or any similar type of itinerant show or exhibition which would include a midway consisting of mechanical rides and games of skill or chance shall be permitted within the corporate limits of the town unless the same shall have been authorized in accordance with the provisions of this section.

The promoter or organization sponsoring such an event shall submit a written request to the town council through the Town Clerk at least forty-five (45) days prior to the proposed starting date. The written request shall contain a complete description of the type of show, ride or other amusement to be offered and a plan depicting how they will be organized on the property. The Town Clerk shall review the proposal and solicit comments and recommendations from town departments or other applicable agencies. The town council may authorize the event upon findings that:

- (1) The Chief of Police or Designee has reviewed the request and found that appropriate crowd control and traffic control measures will be implemented.
- (2) The site where the event will be held shall consist of at least ten (2) acres or more.
- (3) The event will be of a reasonable duration not to exceed seven (7) calendar days.
- (4) The event will not be conducted within fifteen hundred (500) feet of any residence and will not negatively impact adjacent properties.
- (5) All applicable state and local regulations shall be complied with.

The town council may deny authorization of the event if they find that hazardous traffic situations would likely result or accommodations are insufficient for the number of persons or vehicles likely to be attracted to the event.

At least ten (10) days prior to the commencement of any event authorized under these provisions, a certificate of public liability insurance shall be filed with the Town Clerk. Failure to provide said certificate shall render the approval authorized under this section void.

Sec. 5-02. Obstructing streets and sidewalks by demonstrations, picket lines, etc.; permit for occupation of street or sidewalk for other than hostile demonstration, etc

It shall be unlawful for any person to obstruct or block the sidewalks or streets of the town by any exhibition, demonstration, organized demonstration, picket line or commercial venture, so as to prevent the normal flow of pedestrian or vehicular traffic, except that a special permit may be granted by the Chief of Police or Designee by authority of the town council or, in his absence, the next highest police officer, for temporary and peaceful occupancy of a limited portion thereof for

purposes other than commercial gain. Participation in such illegal exhibition, demonstration, organized demonstration or picket line, by any individual through leadership, organization or physical participation therein, shall be unlawful.

Sec. 5-03. Excessive noise

(a) It shall be unlawful for any person or group of persons to holler, shout, scream, sing or make any other noises with their voices which shall be unreasonably loud and disturbing to the public in general. By the terms of this section, it shall be considered that hollering, shouting, screaming, singing or the making of any other noises with voices by any person or group of persons shall be considered as being unreasonably loud and disturbing where same can be heard throughout the distance of three (3) city blocks or twelve hundred (1,200) feet, whichever is the least.

(b) Any gathering of persons or any group of persons upon the sidewalks or streets of the town for the purpose of creating, or which creates, mechanical or vocal sound which is of such intensity or nature as to interfere with the rights or peaceful occupancy by property owners in the adjoining areas is unlawful and no individual shall participate in, lead, direct, or encourage such actions.

(c) Nothing provided in this section shall be construed to prevent the orderly expression of spectators at any regularly organized sport event or the peaceful assembly of any group for orderly expression or communication between those assembled.

Sec. 5-04 Parade Interference

No person shall unreasonably hamper, obstruct, impede or interfere with any parade assembly or with any person, vehicle or animal participating or used in a parade.

Chapter 6

CONSTRUCTION/DEMOLITION/NUISANCE

Sec. 6-01. Construction or demolition of buildings

(a) Every person, building contractor or subcontractor engaged in the construction, repair or demolition of any building or structure or part thereof or shall remove and dispose of, in an authorized manner, from any street, alley, gutter, park, sidewalk, curbing, curb, place or any public way all waste material or rubbish deposited thereon in connection with that portion of the repair, construction or demolition work under his special or general supervision.

(b) Such refuse, waste matter and rubbish shall be cleaned up, removed and disposed of in a sanitary manner, within seven (7) days of the final cessation of work on such building or structure unless specifically authorized by the building inspector or director of public works.

(c) Such waste matter and rubbish shall not be placed on the sidewalk or curb for town trucks to move, but shall be moved by the contractor or subcontractor who caused the same to be formed.

Sec. 6-02 Nuisance declared

(a) The erection, establishment, continuance, maintenance, use, ownership, or leasing of any building or place for the purpose of assignation, prostitution, gambling, illegal possession or sale of intoxicating liquors, illegal possession or sale of narcotic drugs as defined in the state Controlled Substances Act or illegal possession or sale of obscene or lewd matters as defined in this division shall constitute a nuisance.

(b) The building or place or vehicle or the ground itself, in or upon which a nuisance, as defined in subsection (a), is carried on and the furniture, fixtures and contents are also declared a nuisance and shall be enjoined and abated as provided in this division.

(c) The commercial exploitation of obscene matter and performance is also declared to be a public nuisance.

State law references: Similar provisions, **G.S. § 19-1**; North Carolina Controlled Substances Act, **G.S. § 90-86**

Sec. 6-03 Liability of successive owners for continuing nuisance

After notice of a temporary restraining order, preliminary injunction or permanent injunction, every successive owner of property who neglects to abate a continuing nuisance upon or in the use of such property created by a former owner pursuant to this division is liable therefor in the same manner as the one who first created it.

State law references: Similar provisions, **G.S. § 19-1.4**.

Sec. 6-04 Depositing trash, etc., on public or private property.

(a) *Prohibited generally.* It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk or upon any private property, except

with written permission of the owner or occupant of such private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter.

(b) *Prohibited from vehicle.* It shall be unlawful for any person, while a driver or a passenger in a vehicle, to throw or deposit litter upon any street or other public place within the town or upon private property.

Chapter 7

JUNK/ABANDONED VEHICLES

Sec. 7-01 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle, as authorized and defined in G.S. 160A-303, means an abandoned motor vehicle that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on a public street or highway for longer than seven (7) days;
- (3) Is left on property owned or operated by the town for longer than twenty-four (24) hours; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours.

Authorizing official means the supervisory employee of the police department, building inspector, and the code enforcement officer or assistant code enforcement officer, respectfully, designated to authorize the removal of vehicles under the provisions of this article.

Junked motor vehicle, as authorized and defined in **G.S. 160A-303.2**, means a vehicle that does not display a current license plate lawfully upon that vehicle and that;

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

Motor vehicle or *vehicle* means all machines designated or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Nuisance vehicle means 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 or other insects or a breeding ground or harbor for rats, snakes or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of combustible items such as gasoline, oil, other flammable or explosive materials, including but not limited to boxes, paper, old clothes, rags, refuse or any other combustible materials or objects of a like nature;

(5) One (1) from which parts thereof may fall and injure members of the public or one (1) which may have parts which fall or be closed and become an area of confinement which may not be released or opened from the inside;

(6) One (1) which is so situated and located that there is a danger of the vehicle falling, rolling, turning over or creating an unsafe movement such as unattended, blocked or jacked vehicles;

(7) One (1) which is a point of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;

(8) One (1) which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the city council.

Sec. 7-02 Administration

The police department shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the town and property owned by the town. The Chief of Police or Designee shall be responsible for administering the removal and disposition of abandoned, nuisance or junked motor vehicles located on private property. The town may, on an annual basis, contract with private tow-truck operators or towing businesses to remove, store and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of officers of the police department and fire department in enforcing other laws or in otherwise carrying out their duties.

Sec. 7-03 Abandoned vehicle prohibited; removal authorized

(a) It shall be unlawful for a registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned.

(b) Upon investigation, proper officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Sec. 7-04 Nuisance vehicle prohibited; removal authorized

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the building inspector and/or code enforcement officers may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle and order the vehicle removed.

Sec. 7-05 Junked motor vehicle; removal authorized

(a) It shall be unlawful to have a junked motor vehicle on the premises of public or private property.

Sec. 7-06 Notice of removal--Generally

Except as set forth in section 12-187, a vehicle to be removed because it has been abandoned, declared to be a nuisance vehicle or is a junked motor vehicle which has been ordered removed shall be towed only after two (2) weeks notice has been given to the registered owner or person entitled to possession of the vehicle. In the case of a vehicle to be towed or removed because it has been declared to be a nuisance vehicle or it is a junked motor vehicle which has been ordered removed by the building inspector and/or code enforcement officer, if the name and mailing address 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 by first class mail. The person who mails the notice shall retain a written record to show the name and address to which mailed and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date, no sooner than seven (7) days after the notice is affixed. The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time. With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or, in the case of a junked motor vehicle, that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the town council in writing, heard at the next regularly scheduled meeting of the town council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Sec. 7-07 Same--Exceptions

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

(1) *Vehicles abandoned on the streets.* For vehicles left on the public streets and highways, such circumstances include, and the city council hereby determines that immediate removal of such vehicles may be warranted where 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 this Code.

(2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on city-owned property, other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing 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.

Sec. 7-08 Notice after removal

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

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

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

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

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

Sec. 7-09 Right to hearing before sale or final disposition of vehicle

After the removal of an abandoned vehicle, nuisance vehicle or a 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, unless such person requested and received a hearing under section 1-64. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of **G.S. 20-222**.

Sec. 7-10 Redemption of vehicle

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, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle.

Sec. 7-11 Sale and disposition of unclaimed vehicle

Any vehicle declared to be an abandoned vehicle or a nuisance vehicle or that is a junked motor vehicle which has been ordered removed under this article 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 town and in accordance with Article I of Chapter 44A of the General Statutes.

Sec. 7-12 Removal of vehicles from private property

As a general policy, the town shall not remove a vehicle under the provisions of this article 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 shall a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is declared a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Chief of Police or Designee. The town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale thereof.

Sec. 7-13 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 or nuisance vehicle for disposing of such vehicle as provided in this article.

Sec. 7-14 Exceptions

Nothing in this article shall apply to any vehicle:

- (1) Which is located in a bona fide automobile graveyard or junkyard as defined in G.S. 136A-143, in accordance with the "Junkyard Control Act", G.S. 136-141 et seq.;
- (2) Which is in an enclosed building;
- (3) Which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or
- (4) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Sec. 7-15 Unlawful removal of impounded vehicle

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

Sec. 7-16 Fees and charges

Any vehicle lawfully impounded under this article shall be subject to the following fees and charges, which shall be subject to change annually by the town council. Changes shall be reflected in the fee schedule available in the offices of the town clerk and the town finance officer.

(1) *Towing charges*

- a. Vehicles weighing less than 10,000 pounds gross vehicle weight (GVW) . . . \$75.00
- b. Large vehicles weighing more than 10,000 pounds gross vehicle weight (GVW) . . . \$150.00

(2) *Administrative fee* . . . \$50.00

State law references: Public health nuisances, **G.S. § 160A-193**; junked and abandoned motor vehicles, **G.S. §§ 160A-303, 160A-303**

Chapter 8

YOUTH PROTECTION ORDINANCE

Sec. 8-01 Purpose

The purpose of this article is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of sixteen (16) years in the town. The youth protection ordinance is intended to reinforce and promote the role of the parent in raising and guiding children, and promote the health, safety and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.

Sec. 8-02 Definitions

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

Function. Any event including but not limited to activities involving the free exercise or religion, speech, assembly and activities sponsored by the town, a church, the county public schools, or other nonprofit or community organization.

Guardian - Any person having legal custody of a minor such as:

- (1) A natural or adopted parent;
- (2) A legal guardian;
- (3) A person who stands in loco parentis; or
- (4) A person to whom legal custody has been given by the court.

Minor. A person who had not reached his/her sixteenth (16th) birthday and is not married, emancipated or a member of the armed services of the United States.

Public place. Any street, alley, highway, sidewalk, parks, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include any store, shop, restaurant, tavern, cafe, theater, drugstore, poolroom or other place devoted to amusement or entertainment of the general public.

Restricted hours. The time of night referred to herein is based upon the prevailing standard time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the town. Restricted hours shall mean between the hours of 10:00 p.m. and 6:00 a.m. each day.

Sec. 8-03 Offenses

Except as provided by section 8-01, the following offenses constitute a violation of this article:

- (1) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment within the town during the restricted hours.
- (2) A parent or guardian of a juvenile commits an offense if he knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or on the premises of any establishment within the town during the restricted hours. The term "knowingly"

included knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in the parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test; whether a reasonable person in the operator's or employee's position should have known that the patron was a juvenile in violation of this article.

(4) It shall be a violation of this article for any person sixteen (16) years of age or older to aid or abet a juvenile in the violation of subsection (1).

(5) It shall be a violation of this article for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.

Exceptions

The restrictions shall not apply to any minor who is traveling between his/her home and his/her place of employment, church, municipal building or school where a function is being held. Nor shall the restriction apply to emergency errands or errands for parents and inter- and intra-state travel or while accompanied by the minor's guardian.

Defense

It is a defense to prosecution under subsection **8-03(3)** that the owner, operator, or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

Enforcement

(a) When a minor is found to be in violation of this article, the officer will complete the applicable juvenile custody report. After completing the report, the officer will take the juvenile to the residence of his/her guardian. A written warning shall be issued to the guardian of such minor and a copy of the written warning attached to the juvenile custody report.

(1) The written warning shall describe the action of the minor that constitutes a violation of this article, advise the guardian that if the guardian allows and permits or has allowed and permitted the minor to commit a second or subsequent violation of this subchapter that the guardian shall be subject to criminal prosecution for allowing a violation of this subchapter to occur. The written warning shall also advise the guardian that in all cases in which the minor is under twelve (12) years of age a report will be made to the county department of social services.

(2) A copy of the written warning shall be attached to the juvenile custody report and turned in with the officers daily reports, where it shall be entered into the police department records system.

(3) The Chief of Police or Designee or his designee shall review all reports on a daily basis. If a juvenile custody report has been filed pertaining to a violation of this article, the Chief of Police or Designee or his designee will examine the appropriate records and determine if the violation is a first offense or it is a second or subsequent offense.

(b) If upon checking the appropriate records, the juvenile is found to be a first offender, the record will be filed and no further action will be taken. If the juvenile is found to have a record of prior violations of this article, the guardian described in section 13-157 shall be subject to a criminal citation. The reporting officer will be notified and the appropriate action will be taken. A copy of any such action shall be added to the appropriate file within the police department records system, serving as a part of the case files for any criminal action.

(c) If the juvenile is under twelve (12) years of age, a report will be made and a copy forwarded to the county department of social services.

Sec. 8-04 Refusal of guardian to take custody of a minor

If any guardian refuses to take custody of his/her minor child found to be in violation of this article, the officers with physical custody of such minor shall contact the county department of social services and release the minor to that agency pending further investigation by the police department and the department of social services. The guardian will be subject to a criminal citation.

Penalty

The punishment for violation of this article by any guardian of such minor shall be guilty of a misdemeanor as defined by **G.S. Section 14-4(a)**.

Chapter 9

Animals

Sec. 9-01. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acts deemed public nuisance means any dog which habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists, or vehicles or turns over garbage cans, damages gardens, vegetable or flower, damages plant beds, or damages livestock, or conducts itself so as to be a public nuisance. Additionally, a female dog running at large while in heat is a public nuisance.

Animal shelter means any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this chapter and other law.

At large means any animal off the property of his owner and not under the control of a competent person.

Exposed to rabies means an animal has been bitten by or been exposed to any animal known or suspected by a police officer to have been infected with rabies.

Inherently dangerous mammal means any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

(1) *Canidae*, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis Familiaris*).

(2) *Felidae*, including any member of the cat family weighing over 15 pounds not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).

(3) *Ursidae*, including any member of the bear family, or any hybrids thereof.

Kennel, dealer, breeder, and pet shop mean any person, group of persons, partnership, or corporation engaged in buying, selling, breeding or boarding pet animals.

Neutered male means any male which has been operated upon to prevent reproduction.

Owner means any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animals.

Restraint means an animal is under restraint if he is controlled by means of a chain, leash or other like device; is sufficiently near the owner or handler to be under his direct control and is obedient to that person's commands; is on or within a vehicle being driven or parked; or, is within a secure enclosure.

Spayed female means any female which has been operated upon to prevent conception.

Stray dog means any dog within the town limits wandering at large, lost or abandoned, and which does not have a known owner, or any dog within the town whose owner fails to pay taxes or fails to have

such dog vaccinated against rabies. Any dog which is not under control of a competent person or does not have a rabies tag on the collar shall be deemed a stray dog.

Vicious animal means any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts on the skin or one which attacks more than one time any farm stock or other pets.

Sec. 9-02. Violations misdemeanor

Pursuant to state law, it is a misdemeanor punishable by a fine not to exceed \$50.00 or imprisonment not to exceed 30 days to violate any ordinance adopted by the board of commissioners.

Sec. 9-03. Penalty for violations of sections 9-06-- 9-07, 9-09--9-12

(a) Pursuant to the authority in **G.S.160A-175**, any person violating sections **9-06-- 9-07, 9-09--9-12**, and who has already been subject to two previous civil citations pursuant to this chapter may be deemed to have committed a misdemeanor.

(b) Pursuant to the authority in G.S. 160A-175(c), any person violating sections **9-06-- 9-07, 9-09--9-12** shall be subject to a civil penalty in the amount of \$100.00 for a first offense; \$200.00 for a second offense; and \$300.00 for a third and all subsequent offenses. The civil penalty shall be imposed as provided in this chapter and may be recovered by the county in the nature of a debt.

(c) As provided by **G.S. 160A-175**, this chapter may be enforced by appropriate equitable relief, including injunctive relief.

Sec. 9-04. Rabies tag

It shall be unlawful for any dog owner to fail to comply with the state laws relating to the control of rabies, and it shall be unlawful for any dog owner to fail to provide any dog he owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon compliance with state law, and to take such action as is necessary to see that the tag is worn by such dog at all times except as otherwise provided in this chapter. A dog is subject to impoundment in accordance with the provisions of this chapter if the dog is found not to be wearing a currently valid rabies tag. It shall be unlawful for any person to use a vaccination tag issued for a dog other than the one using the tag.

Sec. 9-05. Rabies vaccination and control

(a) It shall be unlawful for an owner to fail to show proof of current inoculation against rabies (hydrophobia) with an approved vaccine for his dog and cat. Should it be deemed necessary by the county health director, board of commissioners, or the state public health veterinarian that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide for a current inoculation against rabies for that pet or animal.

(1) *Bite cases; duty of owner.* Every animal which has bitten anyone or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the police department by its owner, by the person bitten or by the treating physician; and thereupon the dog shall be securely quarantined at the direction of the Johnston County Animal Control Department for a period of ten days, and shall not be released from such quarantine except by written permission from the animal control department. The biting

animal, and its records of vaccination and registration, shall be inspected by the animal control officer who will then observe the following policy:

- a. A properly vaccinated and registered dog may be confined on the owner's premises; provided, however, that an animal control officer determines that the owner has an adequate means of confinement upon his own premises and the animal is subject to observation by the officer at any time during the ten-day period.
- b. A dog not properly vaccinated or registered, belonging to an owner, shall immediately be confined in a veterinary hospital or the county animal shelter, in which case the expense shall be borne by the owner for the ten-day confinement. The dog shall not be vaccinated during confinement.
- c. A stray dog shall immediately be confined in the county animal shelter for a ten-day period.

(2) *Surrender for quarantine required on demand.* Except as provided in subsection (1) of this section, it shall be unlawful for the owner of an animal which has bitten a human to refuse to surrender the animal for the purpose of supervised quarantine by the animal control department upon demand. The expense of such supervised quarantine shall be borne by the owner. If rabies does not develop within the ten days, the animal may be reclaimed upon payment of a fee per day, in an amount set from time to time by the county board of commissioners and contained in the schedule of fees and charges on file in this county clerk's office, and upon compliance with other provisions of this chapter.

(3) *Rabies diagnosed.* If an animal dies while under observation for rabies, then the head of such animal must be submitted immediately to the state laboratory of hygiene for diagnosis.

(4) *Emergency quarantine and procedure.* When reports indicate a positive diagnosis of rabies, the county director of public health may order an area wide quarantine for a period as he deems necessary; and upon invoking such emergency quarantine by the health director, no animal shall be taken onto the street or permitted to be in the street during such time. During such quarantine, no animal may be taken or shipped from the county without written permission from the animal control department. Each member of the animal control department, police department and sheriff's department is authorized during such emergency to impound any animal found running at large in the county. During the quarantine the animal control department or the local health authorities shall be empowered to provide for further mass immunization by the establishment of temporary emergency rabies vaccination clinics strategically located throughout the county. No animal which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be adopted from the animal shelter during the period of emergency rabies quarantine, except by special authorization of the public health officials and the superintendent of the animal control department.

(5) *Infected dogs and cats to be destroyed; protection of vaccinated dogs and cats.* A dog or cat bitten by a proved rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner, the county animal control officer, or a peace officer unless the dog or cat has been vaccinated against rabies in accordance with this chapter and the rules of the commission more than three weeks prior to being bitten, and is given a booster dose of rabies vaccine within three days of the bite.

(b) If there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the county director of public health. During the quarantine period the division of public health may require annual vaccination of dogs against rabies.

(c) It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the animal control department and the county director of public health.

(d) The carcass of any dead animal exposed to rabies shall be surrendered to the animal control department. The head of such animal shall be shipped to the state laboratory of hygiene for diagnosis.

(e) It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this section when demand is made there for by the police department or animal control department.

Sec. 9-06. Wearing of collar; tags and identification required

Upon complying with the rabies inoculation and licensing provisions of this chapter, there shall be issued by the Johnston County Animal Shelter to the owner of a dog numbered license and vaccination metallic tags, stamped with the number and the year for which issued. It shall be unlawful for any dog owner to fail to provide his dog with a collar or harness to which current vaccination and tax tags are securely attached. A collar or harness with attached tags must be worn at all times except when the dog is confined in an enclosure on the owner's premises.

Sec. 9-07. Stray animals off-premises and not under direct control

It shall be unlawful for any person maintaining an animal in town to permit or negligently allow that animal to be off the animal owner's premises and outside the direct control of that person. Direct control shall mean secured or contained by a leash, chain, rope, thong, cage or container, or by other means of restraint and in the custody of the person maintaining such animal, or other person who has assumed control of the animal.

Sec. 9-08. Vicious animals

It shall be unlawful for any owner to keep any vicious, fierce or dangerous animal within the town limits. If a dog is deemed vicious by police then the Johnston County Animal Control will be notified to assist with confining the dog.

Sec. 9-09. Barking dogs

It shall be unlawful for any dog owner to keep or have a dog that habitually or repeatedly barks in such a manner or to such extent that it disturbs the peace and repose of a reasonable person within the immediate vicinity.

Sec. 9-10. Teasing and molesting

It shall be unlawful for any person to tease, molest, or bait any dog not belonging to him or legally under his control.

Sec. 9-11. Nuisance dogs

It shall be unlawful for any owner to permit his dog to run at large if such animal is reported as creating a public nuisance, provided the animal control officer has notified the owner of his findings. In such cases, and only in such cases, the owner must keep the dog that has been found to be creating a public nuisance on his own property at all times unless the dog is under restraint or is sufficiently near his handler to be under his direct control and is obedient to that person's command. Dogs found to be running at large after having been found to be a public nuisance as set out in this section, will be impounded. The owner may reclaim his dog by paying a redemption fee, plus board, in an amount set from time to time by the county board of commissioners and contained in the schedule of fees and charges on file in the county clerk's office, and upon compliance with the other provisions of this chapter. The owner shall also be subject to such other penalties as are prescribed for such violation.

Sec. 9-12. Cruel treatment

- (a) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, fail to provide adequate shelter likely to be detrimental to the animal's health, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon, or subject conditions detrimental to its health or general welfare of any animal or to cause or procure such action. The words "torture," "torment," or "cruelty" shall be held to include every act or negligence whereby unjustifiable physical pain, suffering, or death is caused or permitted; however, nothing in this section shall be construed to prohibit otherwise lawful cage trapping of birds or animals.
- (b) For the purposes of this section, "adequate shelter" for dogs primarily housed outside a residence shall include a doghouse or other shelter adequate to provide protection from weather and a sanitary space; doghouses, or similar shelter must be large enough to allow the animal to stand up and turn 360° without touching the walls; the confinement areas must provide adequate shade and access to fresh clean water; chains must have a minimum of ten feet to allow adequate movement for the animal.

Sec. 9-13. Confinement and control of inherently dangerous mammals

- (a) *Unlawful to keep dangerous mammals.* It shall be unlawful for any owner to keep an inherently dangerous mammal within the town.
- (b) *Exemptions.* The following shall be exempt from this section:
 - (1) Any nonprofit institution or exhibitor or dealer which owns or harbors inherently dangerous mammals for research, provided that such institution/facility/premises are licensed by the U.S. Department of Agriculture or Interior.
 - (2) Traveling fairs, circuses and carnivals shall also be exempt from this section.
 - (3) Any inherently dangerous mammal registered with animal control and maintains adequate facilities for the care and housing of the animal.
- (c) *Recapturing.* The owner of any inherently dangerous mammal shall reimburse the town and/or county for all costs incurred while attempting to recapture any escaped inherently dangerous mammal. If the animal is sheltered or euthanized by animal control, the owner shall also pay those costs.

Sec. 9-14. Impounding animals

Any animal which appears to be lost, strayed or unwanted, or which is found to be not wearing a currently valid tag or is running at large in violation, and shall be confined in the animal shelter in a humane manner for redemption by the owner, sale or destruction.

(1) *Sale or destruction.* If an impounded animal is not redeemed by the owner within five days, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within this state registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended; or put to death by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association. The animal control officer shall maintain a record of all animals impounded under this section which shall include the date of impoundment; the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom any animal has been released.

(2) *Notifying owner.* Immediately upon impounding an animal, the animal control department shall make reasonable effort to notify the owner, and inform such owner of the conditions whereby the animal may be redeemed.

(3) *Non spayed female dogs and cats.* The animal control department shall recommend that all adopted female dogs and cats released from the animal shelter be spayed.

(4) *Suspected rabies.* Animals impounded which have been bitten by a rabid animal or appear to be suffering from rabies shall not be redeemed or sold, but shall be dealt with as provided in section

(5) *Vicious, diseased or injured animals.* If an animal is officially surrendered by the owner to the animal control department to be placed in a home or destroyed in a humane manner, it may be disposed of without waiting five days.

(6) *Other diseased or injured animals.* Any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal control department shall attempt to notify the owner before disposing of such animal; but if the owner cannot be reached readily, and the animal is suffering, the animal control department may destroy the animal at its discretion in a humane manner.

Chapter 10

Grease Trap

SECTION

10-1	Purpose
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10-7	Prohibited Discharges
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SECTION 10-1. PURPOSE

The purpose of this ordinance is to prevent fats, oils, and grease (FOG) from entering the Town of Micro's wastewater conveyance system, lift stations, and downstream wastewater treatment facilities, thereby protecting public health, preventing blockages, and reducing maintenance and operational costs.

SECTION 10-2. APPLICABILITY

This ordinance applies to all Food Service Establishments (FSEs) within the Town of Micro, including but not limited to:

- Restaurants
- Cafés
- Food preparation businesses
- Any establishment that prepares, cooks, or serves food

Currently, the Town of Micro has a limited number of such establishments; however, this ordinance applies to all present and future FSEs.

SECTION 10-3. SYSTEM DESCRIPTION (FOR CLARITY)

- a. All residences and businesses within the Town of Micro are served by individual septic tanks.
- b. The Town of Micro accepts septic tank effluent at the outlet and conveys it by gravity to Town-owned lift stations.
- c. The Town then pumps wastewater to a neighboring municipality's wastewater treatment plant.
- d. Because the Town operates and maintains the downstream conveyance system and lift stations, FOG control is required to protect Town infrastructure.

SECTION 10-4. GREASE TRAP REQUIREMENTS

- a. All Food Service Establishments shall install and maintain a grease trap or grease interceptor approved by the Town.
- b. Grease traps shall be:
 1. Properly sized for the establishment
 2. Installed at an accessible location
 3. Maintained in good working condition

SECTION 10-5. CLEANING AND MAINTENANCE

- a. Minimum Cleaning Frequency:
- b. Grease traps shall be cleaned and inspected at least once every quarter (every 3 months).
- c. Additional Cleaning:
- d. More frequent cleaning may be required if grease accumulation exceeds acceptable levels.
- e. Prohibited Practices:
 1. Flushing grease traps with chemicals, enzymes, or additives in place of physical cleaning is prohibited.

SECTION 10-6. INSPECTIONS AND RECORDKEEPING

- a. Food Service Establishments shall:
- b. Maintain records of grease trap cleanings and inspections for a minimum of three (3) years.
- c. Make records available to the Town upon request.
- d. The Town may inspect grease traps during reasonable hours to ensure compliance.

SECTION 10-7. PROHIBITED DISCHARGES

The discharge of the following into the septic or Town wastewater system is prohibited:

- Fats, oils, or grease in quantities that may cause obstruction
- Food solids
- Oil-based cleaning wastes
- Any substance that may interfere with lift station operation or downstream treatment

SECTION 10-8. ENFORCEMENT

- a. If a grease trap is not properly maintained, the Town may:
- b. Issue a written notice of violation
- c. Require corrective action within a specified timeframe
- d. Continued non-compliance may result in:
- e. Additional inspections
- f. Recovery of costs for damage or emergency maintenance caused by FOG

SECTION 10-9. EMERGENCY CONDITIONS

If a Food Service Establishment is determined to be causing or contributing to:

- Lift station failure
- Sewer blockage
- Sanitary sewer overflow

The Town may require immediate corrective action, including emergency cleaning of the grease trap.

SECTION 10-10. SEVERABILITY

If any section of this ordinance is found to be invalid, the remaining sections shall remain in full force and effect.

SECTION 10-11. EFFECTIVE DATE

This ordinance shall take effect upon adoption by the Town of Micro.