

CODE OF ORDINANCES

Chapter 8

ELECTIONS

Section 8-1.	Nonpartisan basis.
Section 8-2.	Date.
Section 8-3.	Filing Fee.

All elected officials of the town shall be elected on a nonpartisan basis.

Sec. 8-2. Date.

The members of the Board of Aldermen are elected to four-year terms. In 1989, and each four years thereafter, two members of the Board shall be elected. In 1991, and each four years thereafter, three members of the Board shall be elected.

Sec. 8-3. Filing fee.

The filing fee for the elected positions of the town shall be the minimum prescribed by the North Carolina General Statutes.

Chapter 9

ENVIRONMENT

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ENVIRONMENT

ARTICLE I. IN GENERAL

Secs. 9-1 through 9-30. Reserved.

AMENDING CHAPTER 9

AN ORDINANCE DECLARING UNLAWFUL CONDITIONS
THE CODE OF ORDINANCES OF THE TOWN OF GRANITE QUARRY

BE IT ORDAINED by the Board of Aldermen of the Town of Granite Quarry, North Carolina, that the Code of Ordinances of the Town of Granite Quarry be amended as follows:

Part 1. That Article I, IN GENERAL, Sections 9-1 through 9-30, are hereby repealed and reserved.

Part 2. That Article II, TRASH, DEBRIS AND DILAPIDATED BUILDINGS, Sections 9-31 through 9-55, are hereby rewritten and renamed as follows:

"ARTICLE II, Declaration of Public Nuisances, Unlawful Conditions on Private Property;

Section 9-31. Purpose.

The purpose of this article is to arrest, prevent, and mitigate the hazards to health, safety, and general welfare of the residents of the town and its environs caused by trash, debris, the improper storage of materials, overgrown lots and the existence of dilapidated buildings, sheds, accessory buildings and nuisance vehicles which create areas which harbor vermin, insects, and increase the hazard of fire, accident or other calamities.

Section 9-32. Jurisdiction.

The provisions of this article are applicable to all properties, whether improved or vacant lands, which are located within the town's corporate limits and its extraterritorial jurisdiction as now or hereafter fixed.

Section 9-33. Declaration of Public Nuisance.

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town and are hereby found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

1. Any weeds or other vegetation having an overall height of more than twelve (12) inches above the surrounding ground provided that the following shall not be considered to be a

part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.

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2. Any accumulation of trash and/or garbage which is the result of the absence of or overflowing or improperly closed trash or garbage containers;
3. Accumulation in an open place of hazardous or toxic materials and chemicals.
4. An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, leaves, old clothes, rags, or any other combustible materials or objects of a like nature;
5. Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.
6. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
7. The open storage of any discarded ice box, refrigerator, stove, washer, dryer, other "white goods", glass, building materials, building rubbish or similar items.
8. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Board or their designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
9. Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
10. The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.
11. 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:
 - (a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or

- (b) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height ; or
- (c) In a condition allowing the collection of pools or ponds of water; or
- (d) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or

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- (e) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
- (f) So situated or located that there is a danger of it falling or turning over; or
- (g) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- (h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
- (i) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

Section 9-34. Complaint; Investigation of Public Nuisance.

When any condition in violation of this Article is found to exist, the Code Administrator or such persons as may be designated by the Mayor, the Board of Aldermen or the Code Administrator himself, shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the town may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon.
3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2).

Section 9-35. Abatement Procedure.

If the owner of any property fails to comply with a notice given pursuant to this Article, within period specified in the notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

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Section 9-36. Enforcement Powers and Authority.

The Code Administrator is hereby designated and appointed to administer and exercise the powers and authority prescribed by this Article. The Code Administrator shall have the authority to consult and request the advice or assistance of any public authority he/she may deem necessary in the enforcement of this Article. The Code Administrator may grant extensions or authorize longer deadlines at his/her discretion based upon the extent of the violation and a reasonable time to comply or extenuating circumstances which would reasonably require a longer period in which to comply.

Section 9-37. Other Unlawful actions.

No person shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this Article.

Section 9-38. Procedure Is Alternative.

Nothing in this Article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Article shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in Section 1-6 of the Code of the Town of Granite Quarry.

Section 9-39 through Section 9-55. Reserved. "

Part 3. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 4. This Ordinance shall become effective upon its adoption by the Board of Aldermen of the Town of Granite Quarry, North Carolina.

ADOPTED this, the 2nd day of August, 2004.

ATTEST

Denise B. Miller
Town Clerk: Denise B. Miller

Mary Ponds
Mayor: Mary Ponds

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ARTICLE III. ABANDONED, JUNKED AND NUISANCE VEHICLES
AMENDING CHAPTER 9
AN ORDINANCE WITH RESPECT TO
ABANDONED, JUNKED AND NUISANCE VEHICLES
THE CODE OF ORDINANCES OF THE TOWN OF GRANITE QUARRY

BE IT ORDAINED by the Board of Aldermen of the Town of Granite Quarry, North Carolina, that the Code of Ordinances of the Town of Granite Quarry be amended as follows:

Part 1. That Article III, ABANDONED VEHICLES, Sections 9-56 through 9-66 are hereby rewritten, Sections 9-67 through 9-70 are added, and the Article is renamed to read as follows;

“ARTICLE III, ABANDONED, JUNKED AND NUISANCE VEHICLES

Section 9-56. Administration.

The Police Department and the Code Administrator of the Town 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 on property owned by the Town. The Code Administrator shall be responsible for administering the removal and disposal of "abandoned", "nuisance" and "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 Ordinance shall be

construed to limit the legal authority or powers of officers of the Town Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

Section 9-57. Definitions.

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

(a) Abandoned vehicle: As authorized and defined in G.S. 160A-303, an abandoned vehicle is one that:

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

(b) Authorized Official: The supervisory employee of the Police Department or the Town Code Administrator, respectively, designated to order the removal of vehicles under the provisions of this Article.

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(c) Motor vehicle or vehicle: All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

(d) Junked motor vehicle: As authorized and defined in G.S. 160A-303.2, the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

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

(e) Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or

- (2) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or
- (3) In a condition allowing the collection of pools or ponds of water; or
- (4) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (5) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
- (6) So situated or located that there is a danger of it falling or turning over; or
- (7) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the authorized Board of Aldermen.

Section 9-58. Abandoned vehicle unlawful, removal authorized.

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

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Section 9-59. Nuisance vehicle unlawful, removal authorized.

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

Section 9-60. Junked motor vehicle regulated, removal authorized.

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

(b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

(c) It shall be unlawful for the 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.

(d) Subject to the provisions of subsection (e), the Town Code Administrator may order the removal of a junked motor vehicle found in violation of this Article to a storage garage or area. No such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the Code Administrator finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of the area residents.

(e) Permitted concealment or enclosure of junked motor vehicles:

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(1) One junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Town Zoning Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an acceptable covering for not more than sixty (60) calendar days. Junked motor vehicles kept on the premises more than sixty (60) calendar days shall be kept inside a completely enclosed building. The Town Code Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate.

(2) Any one or more junked motor vehicles kept for a period exceeding sixty (60) calendar days shall be kept within a completely enclosed building, as defined in the Town Zoning Ordinance.

Section 9-61. Removal of abandoned, nuisance, or junked motor vehicles; pre-towing notice requirements.

Except as set forth in Section 9-62 below, an abandoned, nuisance, or junked motor 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 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 by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to whom and 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 days after the notice is mailed or affixed, 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 vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Board of Adjustments in writing, heard at the next regularly scheduled meeting of the Board of Adjustments, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Section 9-62. Exceptions to prior notice requirement.

The requirement that notice be given prior to the removal of an abandoned, nuisance, or junked motor vehicle may, as determined by the authorized 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 includes:

(a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Board of Aldermen hereby determines that the immediate removal of such vehicles may be warranted when they are:

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- (1) Obstructing traffic.
- (2) Parked in violation of an ordinance prohibiting or restricting parking.

- (3) Parked in a no-stopping or standing zone.
- (4) Parked in loading zones.
- (5) Parked in bus zones, or
- (6) Parked in violation of temporary parking restrictions.

(b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicle left on town-owned property other than the streets or highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorized 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 location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Section 9-63. Removal of vehicles; post-towing notice requirements.

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

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

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

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

Whenever an abandoned, nuisance, or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorized 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 set forth in subsections (1) through (5) above.

Section 9-64. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner or any person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district 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. 20-219.11, as amended.

Section 9-65. Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fees, 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. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this Article.

Section 9-66. Sale and disposition of unclaimed vehicle.

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

Section 9-67. Conditions on removal of vehicles from private property.

As a general policy, the Town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable State law procedures. In no case will a vehicle be removed by the Town from private property without a written request of the owner, occupant or lessee, except in those cases where the vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Town Code Administrator. The Town may require any person requesting the removal of an abandoned, nuisance, or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

Section 9-68. 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 Article.

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Section 9-69. 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 N.C.G.S. 136-143, in accordance with the "Junkyard Control Act", N.C.G.S. 136-141, et seq., (2) which is in an enclosed building, (3) which is on the premises of a business enterprise being operated in a lawful place and manner, or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Section 9-70. 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 provision of this Article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Board of Aldermen of the Town of Granite Quarry, North Carolina.

ADOPTED this, the 2nd day of August, 2004.

ATTEST

Denise B. Miller
Town Clerk: Denise B. Miller

Mary Ponds
Mayor: Mary Ponds

CODE OF ORDINANCES

Chapter 10

FIRE PREVENTION AND PROTECTION*

ARTICLE I. IN GENERAL

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| Sec. 10-2. | Driving through street where fire is occurring or fire department is practicing. |
| Sec. 10-3. | False alarms. |
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| Sec. 10-6. | Spectators at fire. |
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| Sec. 10-8. | Composition, duties of committee on fire department personnel. |
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ARTICLE II. BUREAU OF FIRE PREVENTION

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| Sec. 10-37. | Appointment of Fire Marshal. |
| Sec. 10-38. | Inspectors. |
| Secs. 10-39 – 10-45. | Reserved. |

ARTICLE III. FIRE ALARM SYSTEMS

- | | |
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| Sec. 10-46. | False alarms. |
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* **Cross references** – Buildings and building regulations, chapter 6; subdivisions, App. B.

State law references – Investigation of fires and inspection of premises, G.S. 58-79-1 et seq.; authority of town to establish fire department and prescribe its duties, G.S. 160A-291.

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FIRE PREVENTION AND PROTECTION

IN GENERAL

Sec. 10-1. Firefighters.

- (a) The Chief of the fire department or the Town Manager is authorized to enlist, subject to the approval of the Board of Aldermen, firefighters, including volunteer firefighters. Such persons would have the same insurance benefits as all other firefighters and they would be authorized to respond to any call to which a town department is authorized to respond, regardless of whether such firefighter lives within the town limits or outside thereof.
- (b) To be eligible for such fire services, the persons enlisted should agree to follow the fire department's Standard Operating Guidelines (SOG's).

Sec. 10-2. Driving through street where fire is occurring or fire department is practicing.

It shall be unlawful for any person, after being forbidden by an officer of the town, to ride or to drive a vehicle through any street, alley or square on which the fire department is assembled for practice or for active service during the progress of a fire.

Sec. 10-3. False alarms.

It shall be unlawful for any person to give or cause to be given a false fire alarm by any means.

Sec. 10-4. Driving over fire hose.

It shall be unlawful for any person to drive any vehicle or animal willfully or carelessly over the hose of the fire department laid in any street, alley or square. In addition to any other penalty prescribed by this ordinance or state law, any such person violating this ordinance shall be liable for the replacement cost of the hose.

State law reference – Driving over fire hose, G.S. 20-157.

Sec. 10-5. Unauthorized mounting or operation of fire apparatus.

It shall be unlawful for any person, not a bona fide member of the fire department, to mount or operate any fire engine or apparatus before it leaves the station, on its way to or from a fire, or at any other time unless by permission of the chief or an officer of the fire department or the mayor; provided, that this section shall not apply to police officers.

Sec. 10-6. Spectators at fire.

When the fire department is engaged in fighting a fire, spectators shall remain at a safe distance from the scene of the fire and shall not interfere with the work of the department in any way.

State law reference – Interference with firemen in performance of duties, G.S. 58-82-1.

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FIRE PREVENTION AND PROTECTION

Sec. 10-7. Loitering near fire station, tampering with equipment.

It shall be unlawful for any person to loiter in or around the fire station or to tamper with any firefighting equipment.

Sec. 10-8. Reserved. (revision 6/7/2010)

Sec. 10-9. Fighting fires beyond town limits.

Neither the personnel of the fire department nor the department's firefighting apparatus shall be used for fighting fires beyond the town limits, except as follows:

- (1) Where it becomes necessary to protect property within the town from fires occurring outside the town.
- (2) Where agreements authorized by the Board of Aldermen have been entered into to afford town standby fire protection to county property and the properties of business and industry located beyond the town limits, but only to the extent of such agreements.
- (3) Where mutual aid agreements have been entered into by the town and its neighboring cities and towns.
- (4) Where agreements exist between the town and any persons outside the town limits.

State law reference – Services beyond town limits, G.S. 58-83-1.

Sec. 10-10. Power to enlist aid of citizens during fire; volunteer firefighters.

During the continuance of any fire, the Chief of the fire department and the Town Manager shall have power to call on any and all persons to assist in extinguishing such fire, in pulling down or blowing up any building, in removing any building, or in removing any goods, wares, merchandise and furniture from any building on fire, or in danger, to some place of safety. It shall be unlawful for any person to fail to obey any such order given for such purposes.

Sec. 10-11 through 10-35. Reserved.

ARTICLE II. BUREAU OF FIRE PREVENTION

Sec. 10-36. Created; duties; supervision.

The fire prevention code of the town shall be enforced by the Bureau of Fire Prevention which is hereby established and which shall operate under the supervision of the Chief of the fire department.

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FIRE PREVENTION AND PROTECTION

Sec. 10-37. Appointment of Fire Marshal.

The Fire Marshal shall be appointed by the Chief of the fire department, subject to the approval of the Town Manager or Board of Aldermen, on the basis of his qualifications and merit.

Sec. 10-38. Inspectors.

The Chief of the fire department may detail such members of the fire department as Inspectors as shall from time to time be necessary.

Sec. 10-39 through 10-45. Reserved.

ARTICLE III. FIRE ALARM SYSTEMS

Sec. 10-46. False alarms.

For a fire response to any false alarm, the following procedure shall be followed:

- (1) The town year shall consist of the period from July 1 to June 30.
- (2) For a response to premises at which two (2) or fewer false alarms have occurred within the preceding year period, no fine shall be charged, but the Fire Chief shall send the subscriber owning

or leasing the alarm system a letter apprising him/her of each false alarm and the consequences of future false alarms, and encouraging him/her to rectify the situation. Such letter of notice shall be sent after the second false alarm occurring in any year period.

- (3) For a response to premises at which three (3) false alarms have occurred within the preceding year period, a fine of \$100.00 shall be imposed upon the subscriber for such response.
- (4) For a response to premises at which four (4) or more false alarms have occurred within the preceding year period, a fine of \$250.00 shall be imposed upon the subscriber for any response.
- (5) Appeals may be made upon any decision of the Fire Chief to the Board of Aldermen for its determination.

ARTICLE IV. FIRE DEPARTMENT FEES

Sec. 10-47. Permit fees

The Town of Granite Quarry code of Ordinance allows fees to be set by the Town Board of Aldermen.

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CODE OF ORDINANCES

Chapter 11

LAW ENFORCEMENT*

ARTICLE I. IN GENERAL

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| Sec. 11-1. | Organization. |
| Sec. 11-2. | Appointment and compensation of officers. |
| Sec. 11-3. | Duties of Officers. |
| Sec. 11-4. | Auxiliary police. |
| Sec. 11-5 – 11-10. | Reserved. |

ARTICLE II. YOUTH PROTECTION ORDINANCE

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| Sec. 11-11. | Purpose. |
| Sec. 11-12. | Definitions. |
| Sec. 11-13. | Offenses. |
| Sec. 11-14. | Exceptions. |
| Sec. 11-15. | Defense. |
| Sec. 11-16. | Enforcement. |
| Sec. 11-17. | Penalties. |
| Sec. 11-18. | Severability. |

* **State law reference** – Law enforcement of town, G.S. 160A-281 – 160A-289.

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LAW ENFORCEMENT

ARTICLE I. IN GENERAL

Sec. 11-1. Organization. *Revised 6/7/10

- (a) The law enforcement personnel shall be organized under the direction of the Police Chief and Town Manager.
- (b) The Chief of Police shall be appointed by the Town Manager. The Chief shall have control over the law enforcement department under the supervision of the Town Manager. The Chief shall keep the Board informed of the department's activities and make such reports to the Board as may from time to time be required and shall perform such other duties as may be required of him/her by the Town Manager. The Chief of Police shall be a duly qualified peace officer.

Sec. 11-2. Appointment and compensation of officers.

The Town Manager may appoint as many law enforcement officers as he/she deems necessary from time to time. Compensation of law enforcement officers shall be as set from time to time by the Board.

Sec. 11-3. Duties of officers.

It shall be the duty of law enforcement officers to:

- (1) Preserve the public peace and prevent crimes.
- (2) Protect the rights of persons and property and guard the public health.
- (3) Regulate vehicular movement within the town limits.
- (4) Enforce the laws and ordinances of the town, the county and the state.
- (5) Perform other such duties as may be assigned to them by the Board of Aldermen for which they are authorized under the laws of the state.

State law reference – Powers and duties of police officers, G.S. 160A-285.

Sec. 11-4. Auxiliary police.

There is hereby established an auxiliary law enforcement department for the town. The auxiliary law enforcement officers shall be volunteers and composed of as many members as may from time to time be determined by the Board of Aldermen. The auxiliary law enforcement officers shall be under the direct control of the Chief of Police acting under the general supervision of the Town Manager. The duties of the auxiliary law enforcement officers shall be as set from time to time by the Chief of Police under the general supervision of the Town Manager.

State law reference – Auxiliary law enforcement personnel authorized, G.S. 160A-282.

Sec. 11-5 through 11-10. Reserved.

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LAW ENFORCEMENT

ARTICLE II. YOUTH PROTECTION ORDINANCE

Sec. 11-11. Purpose.

The purpose of this ordinance 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 of Granite Quarry. The Youth Protection Ordinance is intended to reinforce and promote the role for the parent in training 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. 11-12. Definitions.

For the purposes of this ordinance, the following words and phrases shall have the following meanings:

- (1) **Direct Route:** The shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.
- (2) **Emergency:** An unforeseen combination of circumstance or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or death. This term also shall include any action that is reasonably necessary in order to respond to the medical needs of a family member of the juvenile regardless of whether the juvenile's action is taken in order to prevent death or serious bodily injury.
- (3) **Establishment:** Any privately owned place of business operated for profit to which the public has access or is invited including but not limited to any place of amusement or entertainment.
- (4) **Guardian:** A person who is court-appointed to be the guardian of a juvenile.
- (5) **Juvenile:** Any person under the age of sixteen (16) years.
- (6) **Owner/Operator:** Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.
- (7) **Parent:** A person who is a natural parent, adoptive parent, foster parent or step-parent of another person, or a person to whom legal custody has been given by court order.
- (8) **Public Place:** Any place that is generally open to and used by the public or a substantial group of the public, whether it is publicly or privately owned, including but not limited to, streets, sidewalks, highways, alleys, right of way, public vehicular areas and parking lots, transportation facilities, theaters, restaurants, shops, bowling alleys, schools and school grounds, place of business and amusement, playgrounds, parks, similar areas that are open to the public, and other common areas open to or accessible to the public.
- (9) **Remain:** To linger or stay in a public place, or to fail to leave the premises when requested to do so by a police officer, or fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.
- (10) **Restricted hours:** The time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the Town of Granite Quarry, North Carolina. Restricted hours shall mean:

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LAW ENFORCEMENT

- (a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and,
- (b) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

Sec. 11-13. Offenses.

Except as provided by §11-14, the following offenses constitute a violation of this ordinance:

- (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/she 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" includes knowledge that a parent

should reasonably be expected to have concerning the whereabouts of a juvenile in that 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 that activities or conduct or whereabouts of such juvenile.

- (3) The owner, operator, or any employee of an establishment commits an offense if he/she 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 patrols 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 patrol was a juvenile in violation of this ordinance.
- (4) It shall be a violation of this ordinance for any person sixteen (16) years of age or older to aid or abet a juvenile in the violation of subsection (c) (1).
- (5) It shall be a violation of this ordinance 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.

Sec. 11-14. Exceptions.

A juvenile who is in the public place or establishment during the restricted hours shall not be in violation of this ordinance if the juvenile is:

- (1) Accompanied by his parent or guardian.
- (2) Accompanied by an adult eighteen (18) years of age or older authorized by the parent or guardian of such juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.
- (3) On an errand, using a direct route, at the direction of the juvenile's parent or guardian until the hour of 12:30 a.m.
- (4) In a motor vehicle with parental consent engaged in interstate travel through the Town of Granite Quarry or originating or terminating in the Town of Granite Quarry.
- (5) Traveling in a motor vehicle with a parent or guardian, or traveling in a motor vehicle with an adult eighteen (18) years of age or older authorized by the parent or guardian of such juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.

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LAW ENFORCEMENT

- (6) Engaged in a lawful employment activity, or using a direct route to or from a place of employment.
- (7) Reacting or responding to an emergency.
- (8) Attending or traveling to or from, by direct route, an official school, religious, or recreations activity that is supervised by adults and sponsored by a public or private school, the Town of Granite Quarry or other governmental entity, a civic organization, or another similar entity that accepts responsibility for the juvenile.
- (9) Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right of assembly.
- (10) Married or emancipated.

- (11) When authorized by special permit from the Chief of Police or his designee carried on the person of the juvenile thus authorized, as follows:

When necessary nighttime activities of a juvenile may be inadequate provided for by other provisions of the ordinance, then recourse may be had to the Chief of Police, or his designee, either for a regulation as provided in §11-14 or for a special permit as the circumstances warrant. Upon the findings of reasonable necessity for the use of a public place to extent warranted by a written application signed by a juvenile, and by a parent of the juvenile, if feasible, stating (1) the name, age and address of the juvenile; (2) the name, address, and telephone number of the parent thereof; (3) the height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile; (4) the necessity that requires the juvenile to remain upon a public place during the restricted hours otherwise applicable; (5) the public place; and, (6) the beginning and ending of the period of time involved by date and hour, the Chief of Police or his designee may grant and permit in writing for the juvenile's use of a public place at such hours as in the opinion of the Chief of Police may reasonably be necessary and consistent with the purposes of this ordinance.

- (12) When authorized by regulation issued by the Chief of Police or his designee in other similar cases of reasonable necessity, similarly handled as set forth in § 11-14 but adapted to reasonably necessary nighttime activities or more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation by the Chief of Police or his designee permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved not to extend more than one (1) hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purpose of this ordinance.

Sec. 11-15. Defense.

It is a defense to prosecution under § 11-13 (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.

Sec. 11-16. Enforcement.

- (1) Before taking any enforcement action under this ordinance, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment during restricted hours.

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LAW ENFORCEMENT

- (2) The officer shall not prepare a juvenile arrest report, issue a citation, or make an arrest under this ordinance unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception or defense in § 11-14 or 11-15 is present.

Sec. 11-17. Penalties.

- (1) A juvenile who violates any provision of this ordinance is subject to be adjudicated delinquents. The Court may, in its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.
- (2) Any person other than a juvenile who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$100.00, and imprisonment in the discretion of the court in accordance with G.S. 14-4.

Sec. 11-18. Severability.

If any section, subsection, sentence, term, or exception of this ordinance, or any application thereof to any person or circumstance is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of any remaining portion of this ordinance or its application to any other person or circumstance. The Town Board does not intend a result through the enforcement of this ordinance that is absurd, impossible or execution or unreasonable. The Town Board intends that the ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional under the Constitution of the State of North Carolina or under the Constitution of the United States of America.