

# CODE OF ORDINANCES

## Chapter 5

### ANIMALS

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**\*State law references** – Authority of town to regulate domestic animals, G.S. 160A-186; protection of animals, G.S. 19A-1 et seq.; cruelty to animals generally, G.S. 14-360 – 14-363.

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### ARTICLE I. IN GENERAL

#### **Sec. 5-1. Bird sanctuary created.**

It shall be unlawful for any person to hunt, kill, or trap any birds within the town unless an express permit is first obtained from the town. This section shall not be construed as protecting any birds classified as unprotected by the wildlife resource commission of the state or by law.

**State law reference** – Authority of town to establish bird sanctuary, G.S. 160A-188.

#### **Sec. 5-2. Maintenance of hog pens and raising of hogs.**

It shall be unlawful for any person to have, keep, or maintain a hog pen or lot or to keep or raise hogs or swine within the town.

#### **Sec. 5-3. Cattle, goats, sheep, horses.**

It shall be unlawful for any person to locate, erect, or maintain on any property, within the corporate limits of the town, a stable for housing cattle, goats, sheep, or horses unless it shall be located at least 200 feet from any residence. No more than one of any of these animals shall be kept on a lot containing less than one acre. Not more than a total of two of these animals per acre may be kept on lots containing one acre or more. So much of the lot as may be set aside for the use of these animals shall be completely enclosed. Fences shall be maintained and in good repair to prevent the animals from getting out.

#### **Sec. 5-4. Maintenance of pens, lots, etc.**

- (a) Every person who owns or maintains a penned lot, shelter, or other place where animals are kept shall maintain the same in a sanitary and humane manner.
- (b) If the condition of the shelter shall be found not to be healthy or humane, then this condition shall be reported to the animal control officer and it shall be the duty of the animal control officer to report the condition to the health department.

#### **Sec. 5-5. Appointment of an Animal Warden.**

The Board of Aldermen or Town Manager is hereby authorized to appoint one or more town animal control officers.

#### **Sec. 5-6. Authority of the Police Department.**

Members of the police department of the town or county animal control officer shall be empowered to perform the duties of the animal warden.

#### **Secs. 5-7 through 5-20. Reserved.**

## ARTICLE II. ANIMAL CONTROL

### Sec. 5-21. Adoption of Rowan County Ordinance.

- (a) An ordinance to control rabies and animal related diseases and problems in Rowan County was adopted by the Rowan County Board of Commissioners on November 16, 1976, and as amended from time to time, is hereby adopted by the town.
- (b) The adoption by the town of this article is intended to be in addition to, and not in substitution of, the foregoing provisions of this chapter.
- (c) If conflict arises between any of the foregoing provisions of this chapter and any provisions of this article, the town shall have the ultimate authority to enforce the provisions of this chapter.
- (d) A copy of this article shall be maintained on file with the town clerk.

### Sec. 5-22. General provisions.

- a. **Authorization** - The Board of Health of Rowan County, hereinafter referred to as the Board, is authorized under the provisions of Chapter 130A-39 of the General Statutes of North Carolina to adopt appropriate rules for the protection of the public health regarding Animal Control concerns in Rowan County.
- b. **Purpose** - It is the purpose of these rules to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.
- c. **Policy** - Consistent with the responsibility to protect and advance the public health, it is declared to be the policy of the board that all dogs and cats are to be immunized against rabies; and, that all domesticated animals and all exotic animals are to be restrained in order to prevent a public nuisance, danger to humans, injury or disease; and, that all animals are to be treated in a humane manner.
- d. **Scope** - No person shall own or keep a dog, cat or other animal in Rowan County contrary to the provisions of these rules. Previously adopted rules, procedures and requirements of the Rowan County Health Department are rescinded.
- e. **Conflict With Other Laws and Regulations** - The provisions of any federal, state, or municipal law or regulation establishing standards affording greater protection to the public welfare, safety and health shall prevail within the jurisdiction of such agency over standards established by these rules.
- f. **Right of Entry** - The health director, through his/her authorized designee, shall have the right of entry upon the premises of any place where entry is necessary to carry out the provisions of these rules. If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2. However, if an imminent hazard exists, no warrant is required for entry upon the premises.
- g. **Interference With Enforcement** - It shall be unlawful for any person to interfere with, hinder or molest the employees of the health department in their enforcement of these rules, or to seek to release any animal in the custody of such person, except as otherwise specifically provided.

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- h. **Appeals** - Any person aggrieved by any action of an animal control officer with regard to these rules shall first confer with the health director, who may affirm or reverse the original decision of the representative. If the person is dissatisfied with the health director's decision he/she shall give written notice of appeal, setting forth the grievances, to the health director within thirty (30) days after the conference with the health director. Upon receiving this notice the health director shall, within five (5) working days, transmit to the chairman of the board the notice and all other pertinent papers. The board shall hold a hearing within fifteen (15) days after it receives notice of appeal. The board shall give the applicant no less than ten (10) days notice of the date, time and place of the hearing. Any party may appear in person or by agent or attorney. No person shall take any action prohibited by the health department until there is a final resolution of the grievance. On appeal, the board shall have the authority to affirm, modify or reverse the challenged action. The board shall issue a concise written decision setting forth its reasons with all deliberate speed after the hearing.

### **Sec. 5-23. Agency responsibility and authority.**

- A. Authority is hereby granted to the health department to establish and maintain an animal control program. The health department shall employ animal control officers and such other employees, as shall be determined necessary, and approved by the Rowan County Board of Commissioners. The health director, through his/her authorized designee, shall:
1. Have responsibility, along with law enforcement agencies, to enforce the laws of North Carolina and the rules of the board pertaining to animal control and shall cooperate fully with all law enforcement officers within Rowan County in support of these laws/rules.
  2. Enforce and carry out the laws of North Carolina and the rules of the board pertaining to rabies control, except those areas assigned to another agency.
  3. Be responsible for the investigation of all reported animal bites of humans, for the quarantine of any dog or cat involved and suspected of having rabies for a period of not less than ten (10) days and reporting to the health director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.
  4. Make such canvasses of the county as necessary for the purpose of ascertaining compliance with these rules and state laws pertaining to animal control.
  5. Be responsible for the operation of the Rowan County animal shelter.
  6. Keep or cause to keep, accurate and detailed records of:
    - a. Bite cases, violations and complaints and investigation of these cases
    - b. Seizure, impoundment and disposition of all animals coming into the custody of the animal control program.
    - c. All monies belonging to Rowan County derived from fees, penalties, or other sources and to deposit all funds so collected daily.
    - d. Any other matters required by the state law or directed by the health director.
  7. Issue notices of violations of these rules in such form as the board may prescribe.
  8. Investigate cruelty to and abuse of animals.

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9. Be responsible for the seizure and impoundment, where deemed necessary, of any dog or cat or other animal in Rowan County involved in a violation of these rules or state law pertaining to animal control.
10. It shall be unlawful for any person to interfere with, hinder, or molest the employees of the health department, in their enforcement of these rules, or to seek to release any animal in the custody of such person, except as otherwise specifically provided.

### B. Penalty: Interference with Enforcement

1. Penalty: Failure to comply with the requirements in Section A. 10. shall result in a fine for each offense. Fee: \$100.00

### Sec. 5-24. Definitions.

The following words and phrases shall, for the purpose of these rules, have the meaning assigned herein unless the contents clearly indicate another meaning.

1. **Adequate Shelter:** Enclosure of three sides and a roof
2. **Aggressive:** Forceful, hostile, injurious or destructive behavior
3. **Animal:** Every live vertebrate other than human beings
4. **Animal Control Officer:** A Rowan County employee designated by the health director to enforce the Rowan County Animal Control Rules, county ordinances and state laws pertaining to animal control
5. **Animal Control Supervisor:** The animal control officer responsible for supervision of the Animal Control Section of the Rowan County Health Department
6. **Animal Shelter:** Any premises designated by the health director for the purpose of impounding and caring for animals
7. **Animal Trap:** Humane live trap
8. **At Large:** An animal shall be deemed to be at large when it is off the property of its owner or keeper, and not under the physical restraint of a competent person
9. **Board of Health:** The board is the policy-making, rule making and adjudicatory body for the county health department and is appointed by the Rowan County Commissioners
10. **Cat:** A domesticated carnivorous mammal of the genus Felis
11. **Competent Person:** A person of legal age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to people, the animal and to other animals including, but not limited to, domesticated animals
12. **Cruelty and Cruel Treatment:** means every act, omission, or act of neglect whereby unjustifiable pain, suffering or death is caused, or permitted against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping of animals unlawfully
13. **Dangerous Exotic Animal:** Any exotic animal or hybrid thereof which is a carnivore; a member of the bear family; a non-human primate; a species of herbivore with a history of aggression toward humans; a venomous reptile; a member of the crocodile family; or a member of the boa and python family in excess of ten (10) feet in length. This definition excludes birds and ferrets

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14. **Dangerous/Potentially Dangerous Dog:** Refer to Section IX
15. **Dog:** A domesticated carnivorous mammal of the genus Canis
16. **Domesticated:** Tame, controllable, closely associated with and compatible with humans
17. **Environmental Health Supervisor:** The supervisor of the Environmental Health Division of the Rowan County Health Department
18. **Exotic Animals:** Any living animal other than domestic dogs, domestic cats, and animals normally kept as livestock, or such other animals as may hereafter be designated by the health director
19. **Health Department:** The Rowan County Health Department
20. **Health Director:** The Director of the Rowan County Health Department or a duly authorized representative
21. **Imminent Hazard:** Means a situation which is likely to cause an immediate threat to human life or animals, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken
22. **Impoundment:** The confinement or restraint of any animal by a person or animal control employee duly authorized by the health director
23. **Injury:** The wounding of an animal
24. **Keeper:** A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied by such person
25. **Owner:** A person having a possessory property right in an animal
26. **Owner's or keeper's real property:** means any real property owned or eased by the owner of the animal
27. **Person:** Any individual, family, group of individuals, corporation, partnership, organization or institution commonly recognized by law as an entity
28. **Pet:** An animal kept for pleasure rather than utility
29. **Public Nuisance:** Refer to Section VIII
30. **Restraint:** Restriction or control of an animal's movement
31. **Severe injury:** means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization
32. **Stray:** Any domestic or exotic animal not under restraint and found off the property of its owner or keeper
33. **Suspected of Having Rabies:** Any mammal, wild, exotic or domestic, that has bitten a human or another animal
34. **Vehicle:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, and expressly including bicycles
35. **Veterinary Hospital:** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.
36. **Wild:** Living in a state of nature, not domesticated, untamed, not under the control of man.

### Sec. 5-25. Compliance with State Rabies Laws – supplemental to Laws.

- A. It shall be unlawful for any animal owner or other person to fail to comply with all applicable state laws pertaining to the control of rabies.

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- B. It is the purpose of these rules to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

### 1. VACCINATION OF DOGS AND CATS

- a. It shall be unlawful for an owner or keeper to fail to provide a current vaccination against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary, by the health director or the board, that other domestic animals be vaccinated in order to prevent or control a threatened epizootic or epidemic or to control an existing epizootic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for any such animal.
- b. A rabies vaccination shall be deemed current if administered according to the most recent North Carolina Department of Health and Human Services recommendations, and an approved rabies vaccine must be utilized.
- c. All rabies vaccines shall be administered by a person authorized to do so in accordance with North Carolina law.
- d. The health director can authorize a canvass of the county to determine if there are any dogs or cats not wearing the required vaccination tag. If a dog or cat is found not wearing the required rabies vaccination tag, the animal control officer shall check to see if the owner's or keeper's identification can be found on the animal. If the animal control officer does not know whom the owner or keeper is, the animal control officer may impound the animal.
- e. Rabies vaccinations are not approved for exotic animals, except as authorized by the state public health veterinarian.
- f. **Penalty:** Failure to comply with the requirements in B.1a. shall result in a fine for each offense. Fee: \$100.00

### 2. VACCINATION TAG AND CERTIFICATE

- a. Upon compliance with the provisions of these rules, the owner or keeper of the vaccinated dog or cat shall be issued a rabies tag, containing the words "North Carolina" or the initials "NC." and stamped with a number and the year for which issued, and a rabies vaccination certificate.
- b. It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times as required by state law.
- c. In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of these rules if the dog or cat is found not to be wearing a currently valid rabies tag.
- d. It shall be unlawful for any person to use, for any animal, a rabies vaccination tag issued for another animal.
- e. **Penalty:** Failure to comply with the requirements in B.2b. shall result in a fine for each offense. Fee: \$25.00

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### 3. NOTICE TO HEALTH DIRECTOR WHEN PERSON BITTEN:

#### CONFINEMENT OF ANIMAL

- a. When a person has been bitten by an animal having rabies or suspected of having rabies, it shall be the duty of such person, or his/her parent or guardian if such person is a minor, and the person owning such animal or having the same in his/her possession or under his/her control, to notify the health director or the Animal Shelter immediately and give their names and addresses; and the owner or the keeper or person having such animal in his/her possession or under his/her control shall immediately and securely confine it for ten (10) days at the expense of the owner in such place as may be designated by the health director.
- Exotic animals shall be confined for a period to be determined by the state public health veterinarian or surrendered for rabies examination if required by the state public health veterinarian. It shall be the duty of every physician, after his/her professional attendance upon a person bitten by any animal having rabies, or suspected of having rabies to report to the health director the name, age, and sex of the person so bitten, and the precise location of the bite wound, within twenty-four (24) hours after having first knowledge that the person was bitten.
- (e) If the owner of, or a person who has in his/her possession or under his/her control, an animal having rabies or suspected of having rabies refuses to confine the animal as required by these rules and G.S. 130A-195, the health director may order seizure of the animal and its confinement for ten (10) days in such a place as the health director shall designate.
- (f) Law enforcement agencies investigating animal bites shall report such bites immediately to the health director and give the names and addresses of person bitten and of the owner or keeper of such animal.
- (g) Animals confined, pursuant to this section, shall not be released from confinement except by permission of the health director.
- (h) Animals confined, pursuant to this section, shall be confined at the expense of the owner or keeper.
- (i) In the case of an animal whose owner or keeper is not known, the animal shall be kept at the animal shelter for the supervised confinement period required by these rules. Exotic animals shall be kept at a secure location not accessible to the public. Confinement arrangements shall be approved by the health director or his designee. Staff access to the animal shall be limited to the minimum number reasonably required to provide adequate care.
- (j) Badly wounded, diseased, or suffering animals which, are suspected of having rabies, may be humanely destroyed immediately and the head forwarded to the North Carolina Department of Health and Human Services for examination.
- (k) Any dog or cat confined for observation of rabies shall be confined in a secure enclosure which shall be: A padlocked pen of sufficient strength to contain the animal, with a concrete bottom and a secured top, or a locked home or locked outbuilding with a concrete bottom and secure windows or no windows. Any requests for home confinements shall be approved at the discretion of the health director, animal control supervisor or environmental health supervisor.

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- i. **Penalty:** Failure to report a bite when a person is bitten by an animal. Fee: \$50.00  
Failure to confine or give up for confinement an animal that has bitten. Fee: \$500.00

### 4. DESTRUCTION OR CONFINEMENT OF ANIMAL BITTEN

#### BY A KNOWN RABID ANIMAL

- a. Animals not vaccinated against rabies and are bitten by a known rabid animal or an animal suspected of having rabies that is not available for diagnosis, shall be immediately destroyed unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for the period of six (6) months at the owner's expense. If the animal has a current rabies vaccination, it shall be re-vaccinated at the expense of the owner or keeper and returned to the owner or keeper.
- b. Area Wide Emergency Quarantine
  - i. When reports indicate a positive diagnosis of rabies to the extent the lives of persons and animals are endangered, the health director may declare an area-wide quarantine for such a period as he/she deems necessary. Upon invoking of such emergency quarantine, no dog or cat may be taken or shipped from the county without written permission of the health director. During such quarantine, the health director and law enforcement officers may seize and impound at large dogs and cats in the county. During the quarantine, the health director shall be empowered to provide for a program of mass immunization for rabies by the establishment of temporary emergency rabies vaccination facilities. No animal that has been impounded as a stray, unclaimed by its owner or keeper, shall be allowed to be adopted during the period of emergency.
  - ii. In the event there are additional positive cases of rabies occurring during the period of quarantine, the quarantine may be extended at discretion of the health director.
- c. Post Mortem Diagnosis
  - i. If an animal dies while under observation for rabies, the head of such animal shall be submitted to the health department for shipment to the Laboratory Section of the North Carolina Department of Health and Human Services for rabies diagnosis.
  - ii. The carcass of any animal suspected of dying of rabies shall be processed in the same manner as an animal that died under observation.
- d. **Penalty:** Failure to comply with destruction or confinement of an animal bitten by a known rabid animal. Fee: \$500.00  
  
Failure to comply with wide area emergency quarantine. Fee: \$500.00

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### 5. UNLAWFUL KILLING OR RELEASING OF CERTAIN ANIMALS

- a. It shall be unlawful for any person to kill or release any animal under observation for rabies, or any animal under observation for biting a human or another animal, or to remove such animal from the county without written permission from the health director. The health director may authorize any animal to be euthanized for rabies diagnosis.
- b. **Penalty:** Failure to comply with 5a. **Fee:** \$500.00

### 6. FAILURE TO SURRENDER ANIMAL FOR CONFINEMENT OR DESTRUCTION

- a. It shall be unlawful for any person to refuse to surrender any animal for confinement or destruction as required by these rules, when required by the health director.
- b. **Penalty:** Failure to comply with B.6a. **Fee:** \$500.00

#### Sec. 5-26. Restraint of non-vicious animals.

1. Sufficient restraint shall include, but is not limited to, restraint by leash, harness, or similar effective or humane device that is capable of restraining an animal, or confinement indoors or within a cage, fence, or vehicle or similar secure enclosure. Being loose in the back of an open truck does not constitute being restrained. Sufficient restraint shall also include immediate supervision of an animal by a competent person when both are in the limits of the real property of the animal's owner or keeper.
2. It shall be unlawful for any person to keep any animal unless it is restrained, whether on or off the owner or keeper's property.
3. All chains, leashes or similar restraints shall be designed and placed so as to prevent choking or strangulation, and be of such design so as to restrain the animal during its utmost physical attempts to free itself. Such form of restraint while on the owner's or keeper's property shall be no less than ten (10) feet in length and either on a swivel designed to prevent choking or strangulation, or on a chain run with a swivel or in a securely fenced area, secure building or dwelling.
4. Nothing contained in these rules is intended to be in conflict with the laws of the State of North Carolina regarding dogs while being used in hunting. Nor are these rules intended to interfere with legal sporting events or exhibitions involving dogs, cats, or other animals. However, while engaged in such activities, the owner or keeper of such animals shall be strictly liable for damages done by those animals to the person, possessions or property of others.
5. All female dogs and cats in heat (estrus) must be confined. The owner or keeper of any female dog or cat in heat must confine the animal in a building or enclosure in such manner that it will not be in contact with another dog or cat. Restraining the animal in an open area with a chain or leash to a fixed object does not constitute confinement, and is a violation of these rules. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner or keeper of an animal involved in the breeding process.
6. An owner or keeper of any animal shall be held strictly liable for any damages done by the animal while in or off the owner's or keeper's real property.

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7. **Penalty:** Failure to restrain non-vicious animals. Fee: \$25.00  
Failure to properly confine females in heat. Fee: \$50.00

### Sec. 5-27. Impoundment.

- A. Any dog/cat/animal which appears to be lost, stray or unwanted, or not wearing a currently valid rabies vaccination tag as required by state law and these rules, or not under restraint in violation of these rules, may be seized, impounded, and confined in a humane manner in an animal shelter.
- B. The duration of the impoundment of these dogs/cats/animals may be established by the health director or his/her designee, but the duration of the impoundment shall not be less than 72 hours. During the impoundment period an animal control officer shall make a reasonable effort to locate the owner or keeper of the dog/cat/animal. If the dog/cat/animal is not reclaimed by its owner or keeper during the impoundment period, the animal shall be disposed of in the following manner:
1. returned to the owner or keeper;
  2. adopted as a pet by a new owner; or,
  3. euthanized by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association.
- C. The Animal Shelter shall maintain a record of all dogs/cats/animals impounded under this section; which shall include the date of impoundment, the length of impoundment, the method of disposal of the dog/cat/animal and the name of the person or institution to whom any dog/cat/animal has been released.
- D. Impoundment of such dogs/cats/animals shall not relieve the owner or keeper thereof from any penalty: which may be imposed for violations of these rules.

#### 1. **NOTICE TO OWNER OR KEEPER OF DOGS OR CATS**

- a. Upon impoundment of a dog or cat, notice of such impoundment shall be posted at the animal shelter until the dog or cat shall be disposed of as hereinafter provided, which shall be a minimum of 72 hours, beginning with the time the animal enters the animal shelter. Reasonable effort shall be made to identify the owner or keeper and to inform him/her of the requirements for redeeming the dog or cat. Notice may be by telephone or by written notice mailed by regular mail to the owner or keeper when the identity and address are known or obtained. The 72-hour holding period will not include Saturdays, Sundays or holidays.

#### 2. **REDEMPTION BY OWNER OR KEEPER OF DOGS AND CATS**

- a. The owner or keeper of an animal impounded under these rules, except those animals suspected of being rabid, may redeem the animal within three (3) days following the impoundment date. If the owner is known and notified and does not redeem the animal within three (3) days, not including Saturdays, Sundays, and Holiday, the animal may be

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processed under these rules. The owner or keeper shall pay all applicable fees concerning redemption as a condition of redemption.

- b. No owner or keeper may be permitted to adopt his/her own animal under these rules. Such owner or keeper must comply with #3 of these rules in order to redeem an animal that has been impounded pursuant to state law and these rules.
- c. The rules of this section shall have no application with respect to animals surrendered by the owner or keeper to the health department for immediate adoption or destruction as provided for in D.5a.

### 3. PROCEDURE WITH RESPECT TO REDEMPTION OR ADOPTION OF DOGS OR CATS

- a. All dogs or cats adopted from or redeemed from the animal shelter must have a rabies vaccination, unless written proof of a current rabies vaccination can be furnished. Every person who adopts or redeems a dog or cat must make a deposit at the animal shelter toward the cost of a rabies vaccination. Upon making the deposit, the person will be given a receipt for the deposited amount. The person may then take the dog or cat to any veterinarian in Rowan County, have the dog or cat vaccinated and present the receipt to the veterinarian. The amount deposited and shown on the receipt shall be counted toward the cost of the vaccination. The person must then supply the animal shelter with written proof of vaccination from the veterinarian. The time limit for dogs and cats over four (4) months of age will be three (3) days, excluding Saturdays, Sundays and holidays. For those animals under the age of four (4) months, the time limit will vary according to their age.
- b. All dogs and cats, which are to be adopted from the animal shelter, must be spayed or neutered. Any person wishing to adopt a dog or cat is subjected to these rules and shall sign all necessary documents concerning the adoption. The applicant shall agree not to hold Rowan County or the animal shelter responsible for any claims related to or resulting from the adoption of an animal and shall:
  - i. Pay a deposit established by the health department and county for the veterinarian who performs the spay/neuter within the time frame spelled out in subsection iii listed below.
  - ii. Take the dog or cat to any veterinarian in Rowan County for the spay/neuter treatment.
  - iii. The time limit to complete spay/neuter for dogs or cats over four (4) months of age shall be thirty (30) days or at the discretion of the veterinarian.
  - iv. Any adoption of a dog or cat that dies of natural causes within thirty (30) days of the adoption date, may be replaced for any dog or cat chosen by the adopter that is the property of the animal shelter and deemed suitable for adoption. If the adopter requests, the original adoption/neuter/vaccination fee will be refunded.
  - v. An adopted dog or cat may be exempt from this provision if the owner furnishes a statement from a licensed veterinarian that the animal, due to health reasons, could not withstand spay/neuter surgery.
  - vi. A dog or cat known to have bitten a human or known to have killed livestock shall not be offered for adoption, nor shall a known fighting dog be offered for adoption.
  - vii. Sick or injured dogs or cats shall not be offered for adoption.

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- viii. Aggressive dogs or cats shall not be offered for adoption.
  - c. Adoption of dangerous exotic animals is restricted to persons licensed to keep such animals by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS). The dangerous exotic classification of an animal shall be disclosed in writing to a prospective adopter prior to adoption of such animal.
- 4. DESTRUCTION OR ADOPTION OF UNREDEEMED DOG OR CAT**
- a. If an impounded dog or cat is not redeemed by the owner or keeper within the period prescribed in D.2a., it may be destroyed in a humane manner or shall become the property of the Rowan County Animal Shelter and offered for adoption under the requirements of D.3. of these rules.
  - b. No animal which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine.
- 5. IMMEDIATE PLACEMENT FOR ADOPTION OR DESTRUCTION OF OWNER SURRENDERED DOGS OR CATS**
- a. Any dog or cat surrendered by its owner or keeper to an animal control officer may be immediately placed for adoption or humanely euthanized by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association when:
    - i. The owner or keeper directs in writing that the dog or cat be placed for adoption or humanely destroyed; and
    - ii. The owner or keeper affirmatively represents in writing that he/she is in fact the legal owner or keeper of the dog or cat; and that the dog or cat has not bitten a person within the past ten (10) days or, in the case of exotic animals, a period to be determined by the state public health veterinarian; and
    - iii. The owner or keeper agrees that he/she will indemnify and hold the county, including the health department, harmless from any loss or damage it may sustain, including attorney's fees, by reason of destruction or placement for adoption of the dog or cat; and
    - iv. The owner or keeper transfers ownership or custody of the dog or cat to the health department and releases the health department from any future claims with respect to the dog or cat.
  - b. Upon receiving said assurances, the health department may rely on the same and place the dog or cat for adoption, or euthanize the dog or cat by accepted standards. The waiting period provided in D.1. shall not apply to this section.
- 6. NOTICE TO OWNER OR KEEPER OF OTHER ANIMALS AND EXOTIC ANIMALS**
- a. Upon impoundment of other animal(s), notice of such impoundment shall be posted at the animal shelter until the other animal(s) shall be disposed of as hereinafter provided, which shall be a minimum of 72 hours, beginning with the time the animal enters the animal shelter. Reasonable effort shall be made to identify the owner or keeper and to inform him/her of the requirements for redeeming the other animal(s). Notice may be by

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telephone or by written notice mailed by regular mail to the owner or keeper when the identity and address are known or obtained. The 72-hour holding period will not include Saturdays, Sundays or holidays.

### 7. REDEMPTION BY OWNER OR KEEPER OF OTHER ANIMALS AND EXOTIC ANIMALS

- a. The owner or keeper of other animals impounded under these rules, except those animals suspected of being rabid, may redeem the animal within three (3) days following the impoundment date. If the owner is known and is notified in writing or by telephone and does not redeem the animal within three (3) days, not including Saturdays, Sundays, or holidays, the animal may be processed under these rules. The owner or keeper shall pay all applicable fees concerning redemption as a condition of redemption.
- b. No owner or keeper may be permitted to adopt his/her own animal under these rules. Such owner or keeper must comply with D.8 of these rules in order to redeem an animal that has been impounded pursuant to state law and these rules.
- c. The rules of this section shall have no application with respect to animals surrendered by the owner or keeper to the health department for immediate adoption or destruction as provided for in 10.a.

### 8. PROCEDURE WITH RESPECT TO REDEMPTION OR ADOPTION OF OTHER ANIMALS AND EXOTIC ANIMALS

- a. Any person wishing to adopt another animal is subjected to these rules and shall sign all necessary documents concerning the adoption. The applicant shall agree not to hold Rowan County or the animal shelter responsible for any claims related to or resulting from the adoption of an animal and shall:
  - i. Pay the appropriate administrative fee for adoption.
  - ii. Any adopted animal that dies of natural causes within thirty (30) days of the adoption date may be replaced by a similar animal if available, or any dog or cat chosen by the adopter that is the property of the animal shelter and deemed suitable for adoption. The appropriate vaccination and spay/neuter fees will have to be paid prior to the adoption of a dog or cat. If the adopter requests, the original adoption/neuter/vaccination fee will be refunded.
  - iii. An adopted animal or dog or cat may be exempt from this provision if the owner/adopter furnishes a statement from a licensed veterinarian that the animal, due to health reasons, could not withstand spay/neuter surgery.
  - iv. An animal known to have bitten a human or known to have killed livestock shall not be offered for adoption, nor shall a known fighting cock be offered for adoption.
  - v. Sick or injured animals shall not be offered for adoption.
  - vi. Adoption or redemption of exotic or dangerous exotic animals is restricted to persons licensed to keep such animals by the United States Department of Agriculture or the Animal and Plant Health Inspection Service (USDA-APHIS).

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9. **DESTRUCTION OR ADOPTION OF UNREDEEMED OTHER ANIMALS OR EXOTIC ANIMALS**
- a. If an impounded animal is not redeemed by the owner or keeper within the period prescribed in D.7a., it may be destroyed in a humane manner or shall become the property of the Rowan County Animal Shelter and offered for adoption under the requirements of D.8a. of these rules.
  - b. No animal which has been impounded by reason of its being a stray or unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine.
10. **IMMEDIATE PLACEMENT FOR ADOPTION OR DESTRUCTION OF OWNER SURRENDERED OTHER ANIMALS OR EXOTIC ANIMALS**
- a. Any animal surrendered by its owner or keeper to an animal control officer may be immediately placed for adoption (exception exotic or dangerous exotics) or humanely euthanized by accepted standards when:
    - i. The owner or keeper directs in writing that the animal be placed for adoption or humanely destroyed; and
    - ii. The owner or keeper affirmatively represents in writing that he/she is in fact the legal owner or keeper of the animal; and that the animal has not bitten a person within the last ten (10) days or, in the case of exotic animals, a period to be determined by the state public health veterinarian; and
    - iii. The owner or keeper agrees that he/she will indemnify and hold the county, including the health department, harmless from any loss or damage it may sustain, including attorney's fees, by reason of destruction or placement for adoption of the animal; and
    - iv. The owner or keeper transfers ownership or custody of the animal to the health department and releases the health department from any future claims with respect to the animal.
  - b. Upon receiving said assurances, the health department may rely on the same and place the animal for adoption, or destroy the animal, as it sees fit. The waiting period provided in D.1. shall not apply to this section.

### **Sec. 5-28. Keeping stray animals; requirements, failure to surrender.**

- A. **Dogs, Cats and Livestock**: It shall be unlawful for any person in the county to knowingly and intentionally harbor, feed, keep in possession by confinement, or otherwise, any stray animal which does not belong to that person, unless that person has, within 24 hours from the time such animal came into his/her possession, notified an animal control officer of his/her intentions to either surrender the stray animal to the animal control officer or advertise such stray animal in the local newspaper for three (3) consecutive days. If the individual holding the stray animal elects to advertise the animal in the local newspaper and the prior owner does not respond by the tenth day **from the last day of publication of the notice**, the individual who has advertised shall be

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deemed the legal owner. If the advertisement has not appeared within 72 hours, the animal shall be surrendered to the animal control officer. It shall be unlawful for any person to refuse to surrender any such animal to the animal control officer upon demand.

- B. **Dangerous Exotic Animals:** Any person finding or capturing an exotic or dangerous exotic animal shall immediately notify animal control of the same, and shall surrender the exotic animal to the health director or his designee upon request.
- C. **Penalty:** Failure to comply with the requirements in A. and B. shall result in a fine for each offense.  
Fee: \$25.00

### Sec. 5-29. Public nuisances prohibited.

- A. If an animal has bitten a human or another animal, it shall be declared a public health nuisance and the owner or keeper shall be fined as provided for in F. of this section.
- B. An animal may be determined by the health director, or his designee to be a public nuisance when it commits any of the following acts two (2) or more times or any combination of two or more of the following acts one (1) or more times.
  - 1. Chases, snaps at, or otherwise molests pedestrians, bicyclists, motor vehicles, farm stock or domestic animals; or
  - 2. Turns over garbage pails; or
  - 3. Damages gardens, lawns, or other foliage or other real or personal property.
- C. Upon determining that an animal is a public nuisance, the animal control officer shall make a good faith attempt to notify the owner in writing of such determination and of such requirements as may be necessary to prevent the continuation of the nuisance condition.
- D. It shall be unlawful for the owner or keeper of an animal that has been determined to be a public nuisance in accordance with this section or North Carolina General Statute 130A-200, to allow the nuisance to continue if the owner or keeper has received notice and a reasonable time to correct the nuisance.
- E. Any owner or keeper shall be held strictly liable for any damages to any person or another person's possessions or property done by any of the owner or keeper's animals while such animals are running at large or declared a nuisance.
- F. **Penalty:** Failure to comply with the requirements in A-E shall result in a fine for each of the following offenses.
  - 1. First Violation of Public Nuisances      Fee: \$25.00
  - 2. Second Violation of Public Nuisances      Fee: \$50.00
  - 3. Third Violation of Public Nuisances      Fee: \$75.00
  - 4. Fourth Violation or More      Fee: \$200.00

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### Sec. 5-30. Dangerous dogs or potentially dangerous dogs: definitions and procedures.

- A. The purpose of the dangerous dog rule is to protect persons and animals from unprovoked attacks from a dog or dogs that are dangerous or potentially dangerous.
- B. As used in this section, unless the context clearly requires otherwise, and except as modified in subsection (b) of this section, the term:
1. **Dangerous Dog**, a dog that:
    - a. Without provocation has killed or inflicted severe injury on a person; or
    - b. Is determined by the responsible authority designated by the board to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subsection 2 of this subsection.
    - c. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
  2. **Potentially dangerous dog**, a dog that the responsible authority designated by the board determines to have:
    - a. Inflicted severe injury on a person; or
    - b. Killed or inflicted severe injury upon a domestic animal when not on the owner's or keeper's real property; or
    - c. Approached a person when not on the owner's or keeper's property in a vicious or terrorizing manner in an apparent attitude of attack.
- C. The provisions of this section do not apply to:
1. A dog being used by a law enforcement officer to carry out law enforcement duties;
  2. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
  3. A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, assaulting the dog, had tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.
- D. For the purpose of enforcing the dangerous or potentially dangerous dog rule, the board designates the health director, the environmental health supervisor or the animal control supervisor each as the responsible authority for declaring a dog to be a potentially dangerous dog or a dangerous dog. The board shall also designate a subcommittee of the board to hear any appeals. The health director shall have the authority to gather evidence and request hearings before the appellate board concerning dangerous or potentially dangerous dogs. The person making the determination that a dog is & potentially dangerous dog or a dangerous dog must notify the owner or keeper in writing, giving the reasons for the determination before the dog may be considered potentially dangerous or dangerous under this section. The owner or keeper may appeal the determination by filing written objections with the appellate board within three days. The appellate board shall schedule a hearing within 20 days of the filing of the objections. Any appeal from the final decision of such appellate board shall be taken to the superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the appellate board. Appeals from rulings of the appellate board shall be heard de novo before a superior court judge sitting in Rowan County.

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- E. Any animal declared a Dangerous Dog or Potentially Dangerous Dog is required to remain confined at the Rowan County Animal Shelter until such time as the owner constructs or makes available confinement facilities which are adjudged by Rowan County Animal Control officials to be secure and in keeping with all requirements.
- F. Redemption fees and daily boarding fees at a rate established by the board shall continue to accrue each day the animal remains confined at the Rowan County Animal Shelter. All charges and fees are required to be satisfied before the animal can be released to its owner.
- G. Minimum cage requirements for any animal declared as a Dangerous Dog or Potentially Dangerous Dog are as follows:
  - 1. 10' x 10' x 6' heavy gauge chain link fence
  - 2. 4" concrete slab
  - 3. Roof suitable to contain the dog
  - 4. Double pad lock
  - 5. Beware of dog signs posted on the lot.
- H. Once the animal owner is notified that any animal has been declared to be a Dangerous or Potentially Dangerous Dog, the owner will have three (3) weeks to construct the dog lot and have it approved by the Rowan County Animal Control Supervisor.
- I. The dog must stay caged in accordance with the Rowan County Animal Control Rules until all appeals are exhausted.
- J. Precautions required against attacks by dangerous dogs or potentially dangerous dogs.
  - 1. It is unlawful for an owner or keeper to:
    - a. Leave a dangerous dog or potentially dangerous dog unattended on the owner's or keeper's real property unless the dog is confined in a securely enclosed and padlocked chain link pen, with a concrete bottom and a secure top, along with the posting of the premises with four clearly visible warning signs adequate to inform the public, including children, of the presence of a dangerous dog, and strategically placed on the property as designated by the health director or his designee.
    - b. Permit a dangerous dog to go beyond the owner's or keeper's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
    - c. Even in the presence of an owner or keeper or others, permit a dangerous or potentially dangerous dog on the owner's or keeper's property, not confined in a secured enclosure, to be without a muzzle.
  - 2. If the owner or keeper of the dangerous dog transfers ownership or possession of the dog to another person as identified in G.S. 12-2 (6), the owner or keeper shall provide written notice to:
    - a. The authority that made the determination under this section stating the name and address of the new owner or possessor of the dog; and
    - b. The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.
  - 3. Violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than 30 days or both.

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- K. The owner or keeper of a dangerous dog shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, his/her property, or another animal.
- L. **Penalties:**
1. The owner or keeper of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars (\$100.00) shall be guilty of a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000.00), imprisonment up to two years, or both.
  2. Failure to comply with this section. Fee: \$500.00

### Sec. 5-31. Registration of exotic and dangerous exotic animals.

- A. **Fully effective rabies vaccines are not available at this time for exotic mammals.** In order to more adequately protect the public from rabies, animal control officers must be aware of the location of these animals. Exotic and dangerous exotic animals constitute a potential risk to public health and safety due to the possibility of human injury or death resulting from attacks by such animals.
- B. **Dangerous Exotic Animal; Registration:** Owners or keepers of exotic and/or dangerous exotic animals as property or pets shall register each animal with the health director or his designee. No fee shall be charged for this registration. Any person who brings a dangerous exotic animal into this county for a period exceeding twenty-four (24) hours shall register the animal within one (1) business day.
- C. **Dangerous Exotic Animal; Federal and State Permits Required:** Every owner of an exotic and/or dangerous exotic animal shall be subject to the following requirements:
1. No owner or keeper may possess a dangerous exotic animal in Rowan County without first obtaining all permits required by the federal government, State of North Carolina and the registration requirements by the board.
  2. Application. An owner of a dangerous exotic animal must complete a registration application, which shall be supplied by the Board. The application, once completed, shall contain the following information:
    - a. Name, address and telephone number of the applicant.
    - b. A description of the animal, including species, sex and body weight.
    - c. The address of the premises where the animal will be kept.
    - d. Proof of the applicant's ability to respond in damages for bodily injury or death of any person or for damages to property owned by another person that may result from the ownership, keeping or maintenance of such animal. Proof of ability to respond in damages shall be given by filing with the health director a certificate of insurance from an insurance company authorized to do business in the state, stating that the applicant is insured by a policy with a minimum coverage of \$1,000,000 per claim to compensate persons for personal injury and property damage. In lieu of insurance the owner may post with the health director a surety bond in the same amounts conditioned upon payment of such damages. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days' written notice is first given to the health director
    - e. Copies of all federal and state permits and licenses required for such animal.

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3. **Penalty:** Failure to register exotic or dangerous exotic animal(s) with Rowan County Animal Shelter. Fee: \$25.00 per animal

### **Sec. 5-32. Cruelty to animals / animal abandonment.**

- A. All animals shall be kept and treated under sanitary and humane conditions and failure of the owner or possessor of the animal to abide by the following provisions shall be subject to the penalties described in C. listed below.
  1. All animals in the possession of any person shall be provided proper and adequate food and water. All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed twenty-four (24) hours, a quantity of wholesome food suitable for the species and age, sufficient to maintain a healthful level of nutrition. All animals shall have access to a supply of clean, fresh water.
  2. All animals shall be kept in a clean area and provided adequate shelter that consists of an enclosure of at least three sides and a roof. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably. The following shall not constitute adequate shelter:
    - a. underneath outside steps, decks and stoops;
    - b. inside vehicles during the summer;
    - c. inside metal barrels placed in direct sunlight during the summer;
    - d. inside cardboard boxes
  3. All owners or possessors of animals shall provide proper medical attention for sick, diseased, or injured animals. A sick animal shall go no longer than twenty-four (24) hours without veterinary care.
- B. No person shall beat, torment, overload, overwork, tease, molest or bait an animal as defined in this section. No person shall shoot a dog, either on or off the owner's property, unless the dog is in the act of attacking a human being, livestock or poultry. No person shall trap a dog or cat without the permission of the Rowan County Animal Control Supervisor. By way of example and not limitation, the following acts or conditions shall constitute prima facie evidence of animal cruelty:
  1. animals that have not been fed or watered adequately;
  2. allowing animals to live in unsanitary and crowded conditions, and allowing animals to be exposed to extreme damp, hot or cold weather without shelter;
  3. failure or refusal of an owner to obtain medical treatment for an animal when in an Animal Control Officer's opinion such treatment is needed;
  4. a collar, rope or chain embedded in or causing injury to an animal's neck;
  5. causing, permitting or instigating any dogfight, cock fight, bullfight or other illegal contest or combat between animals or animals and humans;
  6. exposing any known poisonous substance or mix a poisonous substance with food so that it will likely be eaten by any animal. This does not include acts or attempts of persons to rid their own property of rats or any other acts permitted by the state wildlife department;
  7. anyone leaving an animal in a closed car, truck or other vehicle for such duration or at temperatures as an animal control officer in his/her sole discretion deems harmful or potentially harmful to the animal. No person shall carry or cause to be carried in or upon any vehicle or other conveyance any animal in a cruel or inhumane manner;

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8. turning loose or discarding any animal with the intent of abandoning such animal.

C. **Penalty:** Failure to comply with this section will result in a fine or cruelty to animals.

Fee: \$100 per event per animal. Abandonment of Animal: Fee: \$75.00

### Sec. 5-33. Miscellaneous.

#### 1. LURING, ENTICING, SEIZING, MOLESTING, OR TEASING AN ANIMAL

- a. It shall be unlawful to seize any animal by luring or enticing that animal off its owner's or keeper's property.
- b. It shall be unlawful to seize, molest or tease any animal belonging to another person or which is legally held or controlled by another person or while the animal is on the property of its owner or keeper.
- c. An animal control officer of Rowan County may not set an animal trap within fifty yards of the animal owner's property without first notifying the owner that his/her animal has been in violation.
- d. Any animal that follows an animal control officer off the owner's property may not be impounded without first notifying the owner that the animal is in violation.
- e. Nothing in this section shall prevent authorized animal control personnel from humanely trapping animals for the purpose of enforcing these rules.
- f. **Penalty:** Anyone caught luring, enticing, seizing, molesting or teasing an animal illegally will be fined \$50.00 per event per animal.

#### 2. DESTRUCTION OF WOUNDED, DISEASED, OR UNWEANED ANIMALS

- a. Any animal seized or impounded by a Rowan County animal control officer(s), which is badly wounded, diseased, not weaned, is not a rabies suspect and has no identification, may be euthanized immediately in a humane manner. If the animal has identification, the animal control officer shall attempt to notify the owner or keeper before disposing of the animal. If the owner or keeper cannot be reached readily and the animal is suffering, the health director or his designee may destroy the animal at his/her discretion in a humane manner. Badly wounded or diseased animals brought in by their owners will be euthanized at the owner's request and with a signed release form.

#### 3. DESTRUCTION OF ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS

- a. The health director or his designee is authorized to destroy animals which cannot be seized by reasonable means, under the following conditions:
  - i. A dangerous dog, a rabid animal, an animal suspected of having rabies, an animal biting humans or other animals, or seriously threatening humans or animals or killing or injuring livestock, may be considered a serious and immediate threat by the health director.
  - ii. An animal at large that constitutes a serious and immediate threat to the public or other domesticated animals and cannot be captured by reasonable means may be destroyed by order of the health director in a reasonable and safe manner.

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### 4. INJURING OR KILLING OF ANIMALS, NOTICE REQUIRED

- a. At large animals are often involved in animal biting humans cases. It is necessary to observe these animals for ten (10) days, in confinement, in order to determine if they have rabies, for the protection of the victim and the public. The injured or killed animal may be the one sought after in a bite case and never be located if it is killed or injured and no report is made.
- b. Any person injuring or killing a dog, cat or dangerous exotic animal, accidentally or intentionally, shall immediately notify the owner or keeper of the animal or the animal shelter.

### 5. MISCELLANEOUS CONCERNS

- a. All possessors or owners of animals that die, from any cause, shall bury the dead animal to a depth of at least three (3) feet beneath the surface of the ground on his leased or owned property. No animal shall be buried within three hundred (300) feet of any flowing stream or public body of water. In the alternative, the animal shall be disposed of in a manner approved by the health director or the Animal Control Supervisor. In any event, all dead animals shall be disposed of within twenty-four (24) hours after knowledge of the death.
- b. All persons who injure or kill a domesticated animal by running over, into or otherwise coming in contact with such an animal with an automobile, motorcycle, bicycle or other vehicle shall notify the owner of the animal immediately. If the owner is not known the person who injured or killed the animal shall immediately notify the animal control supervisor or the police department if the injury or death occurred in the city. If the injury or death occurred in the county, the owner should notify the Sheriff's Office. An owner or lessee of real property who finds an injured or suffering domesticated animal on his property shall report the same to animal control as soon as the animal is discovered on the real property.
- c. No live animal shall be given away, raffled or offered as a prize, premium or advertising device for or at an inducement to enter any contest, game or other competition involving skill or chance.
- d. Animal Control shall have the authority to inspect public exhibits of animals that are part of fairs, carnivals, festivals, fundraising events, petting zoos and any other activity or function carried on in the county. Animal Control shall have the authority to close down any exhibit, function or activity if it is determined that the animals are being cruelly treated or animals run the risk of causing injury or harm to the public or to themselves

### Sec. 5-34. Citations and penalties.

- A. The health director or his designee is hereby empowered to issue civil citations to any person if there is probable cause to believe that such person has violated any of the provisions of these rules.

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1. Citations so issued may be served in person upon the violator by the health director or his designee, or the citation may be mailed by registered or certified mail, return receipt requested or by other means reasonably calculated to give actual notice.
  2. Any citation so served or mailed shall describe the violation with reasonable particularity and shall state the time period within which the alleged violator shall make payment of the fine and shall result to pay such fine shall result in an additional civil action as hereinafter set forth.
  3. If payment is not received within the time limits specified in the citation or other equitable settlement has not otherwise been made, the health director or his/her designee may thereupon institute a civil action in the appropriate division of the General Courts of Justice for recovery of the penalties prescribed by these rules. Such civil action must be filed within three (3) years of the date that the civil citation was served on the violator.
  4. All citation forms shall be serially numbered in triplicate, and all records with respect to the citation forms and the disposition of the same shall be maintained so that all such forms shall be capable of an immediate accounting.
- B. Criminal Penalties- Any person who shall violate the provisions of these rules as adopted by the board shall be guilty of a Class I misdemeanor as set forth in N.C.G.S. 130A-25.

### **Sec. 5-35. Severability clause.**

Any rule or portion thereof which is for any reason invalidated shall thereupon be deemed to be null and void, however all remaining provisions of these rules shall, in all respects, remain in full force and effect.

# CODE OF ORDINANCES

## Chapter 6

### BUILDINGS AND BUILDING REGULATIONS

#### ARTICLE I. IN GENERAL

- Sec. 6-1. State Building Codes adopted by reference.
- Sec. 6-2. Permits.
- Sec. 6-3. Fire districts.
- Sec. 6-4. Frame or wooden buildings within fire district.
- Sec. 6-5. Removal of trash from vacated building within fire district.
- Secs. 6-6 – 6-30. Reserved.

#### ARTICLE II. BUILDING INSPECTOR

- Sec. 6-31. Designation.
- Sec. 6-32. Duties generally.
- Secs. 6-33 – 6-50. Reserved.

#### ARTICLE III. MINIMUM HOUSING CODE

- Sec. 6-51. Findings; Purpose; Authority.
- Sec. 6-52. Scope.
- Sec. 6-53. Definitions.
- Sec. 6-54. Office of Housing Inspector Created;; Powers and Duties.
- Sec. 6-55. Inspections.
- Sec. 6-56. Preliminary Investigations; Notices; Hearings.
- Sec. 6-57. Dwelling unfit for human habitation.
- Sec. 6-58. Dwellings not in compliance but not unfit for human habitation.
- Sec. 6-59. Procedure after hearing; order.
- Sec. 6-60. Failure to comply with order.
- Sec. 6-61. Service of complaints and orders.
- Sec. 6-62. Appeals.
- Sec. 6-63. Alternative Remedies.
- Sec. 6-64. Conflict with other provisions.
- Sec. 6-65. Violations.
- Sec. 6-66. Validity.

## BUILDINGS AND BUILDING REGULATIONS

### ARTICLE I. IN GENERAL

#### **Sec. 6-1. State Building Codes adopted by reference.**

- (a) The North Carolina Building Code, current edition, the North Carolina State Fire Resistance Ratings, current edition, and the North Carolina Uniform Residential Building Code, current edition, are hereby adopted as the official building codes for the town.
- (b) Copies of the codes adopted by reference in this section shall be maintained on file with the town clerk.

**State law references**-Building council and state building code, G.S.143-136-143-143.1; authority of the town to adopt technical codes by reference, G.S. 160A-76.

#### **Sec. 6-2. Permits.**

- (a) Any person desiring to erect, alter or repair any building shall apply to the building inspector for a permit to do so; provided, that this section shall not apply where the total value of the repair is less than \$500.00.
- (b) All persons and businesses doing insulation work or working on energy saving equipment shall, before beginning work, obtain a permit from the town office for the work to be done and pay the currently required fee.
- (c) No permit shall be issued to any person or business to do any insulation work unless the person or business doing the work shall have in effect a bond posted with the town in the amount of \$2,000.00, which bond shall be made for the purpose of satisfying any claim which the purchaser of any insulation services may have against the person or business doing the insulation work.
- (d) General contractors, licenses as a general contractor by the state, shall not be required to obtain the permit and bond required by this section. The permit required by this section is in addition to the annual privilege license required by Chapter 14 of this Code.
- (e) Any owner working on his own home or building shall not be required to obtain the permit and bond required by this section.

#### **Sec. 6-3. Fire districts.**

The official limits of the town are hereby designated as the fire district of the Town.

**Cross Reference**-Fire prevention and protection, Chapter 10.

**State law reference**-Establishment of fire district, G.S. 160A-435 thru 160A-438.

#### **Sec. 6-4. Frame or wooden buildings within fire district.**

Within the fire district, as defined and designated by Section 6-3, no frame or wooden building shall be hereafter erected, altered, repaired, moved into or moved from one place to another therein, except upon the permit of the town building inspector, which permit shall be approved by the insurance commissioner of the state.

## BUILDINGS AND BUILDING REGULATIONS

### **Sec. 6-5. Removal of trash from vacated building within fire district.**

All persons who shall vacate a building within the fire district shall, within 24 hours thereafter, remove all trash therefrom constituting a fire hazard.

**Cross Reference**-Solid Waste Management, Chapter 14.

**Secs. 6-6 through 6-30. Reserved.**

## **ARTICLE II. BUILDING INSPECTOR\***

### **Sec. 6-31. Designation.**

The county building inspector is hereby designated as the building inspector for the town. The town, however, shall have the authority to appoint a building inspector for the town. Such building inspector shall have competent knowledge of building construction and may be appointed by the Town Board of Aldermen or the Town Manager.

### **Sec. 6-32. Duties generally.**

(a) Within the corporate limits of the town, the building inspector shall enforce state and local laws relating to:

1. The construction of buildings and other structures;
2. The installation of such facilities as plumbing systems, electrical systems, heating systems, refrigeration systems and air conditioning systems;
3. Insulation work or work on energy saving equipment;
4. The maintenance of buildings and other structures in a safe, sanitary and healthful condition; and,
5. Other matters as may be specified by the Town Board of Aldermen or Town Manager.

(b) The building inspector shall receive applications for permits, issue or deny permits, make any necessary inspections, issue or deny certificates of compliance, issue orders to correct violations, bring judicial actions against actual or threatened violations, keep adequate records, and take any other actions that may be required in order to adequately enforce these laws.

**State law reference** – Powers and duties of building inspector, G.S. 160A-412.

**Secs. 6-33 through 6-50. Reserved.**

BUILDINGS AND BUILDING REGULATIONS

**ARTICLE III. MINIMUM HOUSING CODE**

**AN ORDINANCE PROVIDING MINIMUM HOUSING STANDARDS OF FITNESS 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:

**Part 1.** That Chapter 6, Article III, Sections 6-51 through 6-61, Unfit Dwellings, of the Code of Ordinances, Town of Granite Quarry, North Carolina, is hereby amended, renamed and rewritten in its entirety, adding Sections 6-62 through 6-66 to read as follows:

"ARTICLE III. MINIMUM HOUSING CODE

**Section 6-51. Findings; Purpose; Authority.**

Pursuant to Section 160A-441 of the General Statutes of North Carolina, it is hereby found and declared that there exist in the Town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe and unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the Town.

In order to protect the health, safety and welfare of the residents of the Town, as authorized by Part 6 of Article 19, Chapter 160A of the General Statutes of North Carolina, it is the purpose of this Chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by Section 160A-444 of the General Statutes of North Carolina.

In addition, it is hereby found and declared, under the authority of North Carolina General Statutes 160A-174, that there exist in the Town dwellings which, although not meeting the classification as unfit for human habitation, fail to fully comply with all the minimum standards for housing fitness as established herein and therefore have present one or more conditions which are inimical to the public health, safety and general welfare. Such conditions, if not corrected can lead to deterioration and dilapidation of dwellings which render them unfit for human habitation.

**Section 6-52. Scope.**

- (a) This Chapter is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or buildings, structures or premises used or intended for use as such.
- (b) The provisions of this Chapter shall apply to all existing housing and to all housing hereafter constructed within the Town's Incorporated and Extraterritorial Jurisdictions. Portable, mobile or

## BUILDINGS AND BUILDING REGULATIONS

demountable buildings or structures, including trailers, manufactured homes and mobile homes when used or intended for use for housing within the jurisdiction, shall be subject to the applicable provisions of this Chapter. This Chapter establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this Chapter.

- (c) The provisions of this Chapter shall also apply to abandoned structures which are found by the Board of Aldermen to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary conditions.

### **Section 6-53. Definitions.**

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

Abandoned Structure. Any structure, whether designed and intended for residential or other uses, which has been vacant or not in active use, regardless of purpose or reason, for the past two-year period and which is determined by the Housing Inspector to be unfit for human habitation or occupancy based upon the standards as set forth in this Chapter.

Basement. A portion of a building, which is located partly underground, having access to light and air from windows located, above the level of the adjoining ground.

Cellar. A portion of a building located partly or wholly underground having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Deteriorated Dwelling. A dwelling that is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this Chapter, *at a cost not in excess of fifty percent of the dwelling value*, as determined by finding of the Housing Inspector using the County Tax Office valuation of the structure.

Dilapidated Dwelling. A dwelling that is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this Chapter, *at a cost not in excess of fifty percent of the dwelling value*, as determined by finding of the Housing Inspector using the County Tax Office valuation of the structure.

Dwelling. Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any accessory buildings and structures and appurtenances belonging thereto or usually enjoyed therewith.

Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

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

## BUILDINGS AND BUILDING REGULATIONS

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

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

Housing Inspector. The person appointed by the Board of Aldermen to carry out the administration and enforcement of this Chapter.

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

Manufactured Home (Mobile Home). A structure as defined in G.S. 143-145(7).

Multiple Dwelling. Any dwelling containing more than two dwelling units.

Occupant. Any person over one year of age living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator. Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

Owner. The holder of the title in fee simple and every mortgagee of record.

Parties in Interest. All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

Public Authority. Any housing authority or any officer who is in charge of any department or branch of the government of the Town, County, or State relating to health, fire, building regulations, or other activities concerning dwellings in the Town.

Rooming House. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials except garbage and ashes, and the term shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

## BUILDINGS AND BUILDING REGULATIONS

### **Section 6-54. Office of Housing Inspector Created; Powers and Duties.**

For the purposes of Administering and enforcing the provisions of this Chapter, the office of Housing Inspector is hereby created. The Housing Inspector shall be appointed by the Board of Aldermen, and shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

(a) Investigations

To investigate the dwelling and building conditions in the Town in order to determine which dwellings therein are unfit for human habitation and dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this Chapter.

(b) Oaths, witnesses, etc.

To administer oaths and affirmations and to examine witnesses and receive evidence.

(c) Right of Entry

To enter upon and within premises and dwellings for the purpose of making examinations and investigations; provided, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.

(d) Warrants; Citations, etc.

To swear criminal warrants, issue civil citations and to take such other actions as may be necessary to carry out the enforcement procedures of this Chapter.

(e) Delegation of functions, etc.

To delegate any of his functions and powers under this Chapter to such officers and agents as he may designate.

### **Section 6-55. Inspections.**

For the purpose of carrying out the intent of this Chapter, the Housing Inspector, upon proper identification, is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and premises, including abandoned structures. The owners or occupants of every dwelling, dwelling unit, rooming unit, or rooming house, or the person in charge thereof, shall give the Housing Inspector free access to such dwelling, dwelling unit, rooming house or rooming unit, and its premises, at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful order issued pursuant to the provisions of this Chapter.

## BUILDINGS AND BUILDING REGULATIONS

### **Section 6-56. Preliminary Investigations; Notices; Hearings.**

Whenever a petition is filed with the Housing Inspector by a public authority or by at least five (5) residents of the Town charging that any dwelling is unfit for human habitation or whenever it appears to the Housing Inspector (on his own motion) that any dwelling is unfit for human habitation, the Housing Inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Housing Inspector (or his designated agent) at a place within the Town therein fixed not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Inspector.

Upon the issuance of a complaint and notice of hearing pursuant to this Section, the Inspector may cause the filing of a notice of lis pendens, with a copy of the complaint and notice of hearing attached thereto, in the Office of the Clerk of Superior Court of Davie County, to be indexed and cross-indexed in accordance with the indexing procedures of the North Carolina General Statutes. The Inspector shall cause a copy of the notice of lis pendens to be served upon the owners and parties in interest in the dwelling at the time of filing in accordance with Section 160A-445 of the North Carolina General Statutes, as applicable. Upon compliance with the requirements of any order issued based upon such complaint and hearing, the Inspector shall direct the Clerk of Superior Court to cancel the notice of lis pendens.

### **Section 6-57 Dwelling Unfit for Human Habitation.**

The Housing Inspector shall determine that a dwelling is unfit for human habitation if he finds that any one of the following conditions exist in such dwelling:

- (a) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.
- (b) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.
- (c) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (d) Such damage by fire, wind or other causes as to render the dwelling unsafe.
- (e) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people in the Town.
- (f) Inadequate facilities for egress in case of fire or panic.
- (g) Defects significantly increasing the hazards of fire, accident or other calamities.

## BUILDINGS AND BUILDING REGULATIONS

- (h) Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.
- (i) Lack of proper electrical, heating or plumbing facilities required by this Chapter which constitutes a definite health or safety hazard.
- (j) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

In addition to the ten (10) conditions stated above, any one of which renders a dwelling unfit for human habitation, the Housing Inspector shall determine that a dwelling is unfit for human habitation if he finds that a dwelling fails to fully comply with seven (7) or more of the following enumerated standards of dwelling fitness:

## STRUCTURAL STANDARDS

### Structural Integrity

- (1) Walls, partitions, supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

### Supports

- (2) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

### Foundations

- (3) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

### Steps

- (4) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.

### Egress

- (5) Adequate facilities for egress in case of fire or panic shall be provided.

## BUILDINGS AND BUILDING REGULATIONS

### Interior Materials

- (6) Interior walls and ceilings of all rooms, closets and hallways shall be furnished of suitable materials which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

### Weatherization

- (7) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.

### Chimneys

- (8) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

### Floors

- (9) There shall be no use of the ground for floors, or wood floors on the ground.

## *PLUMBING STANDARDS*

### Facilities

- (10) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

### Maintenance

- (11) All plumbing fixtures shall meet the standards of the Plumbing Code and shall be maintained in a state of good repair and in good working order.

### Accessible

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

## BUILDINGS AND BUILDING REGULATIONS

### HEATING STANDARDS

#### Generally

- (13) Every dwelling shall have facilities for providing heat in accordance with either paragraph (a) or (b) below. Such facilities shall be maintained in a state of good repair and good working order.
- (a) Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during average winter conditions.
- (b) Other heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms, bathrooms and water closet compartments with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured three (3) feet above the floor during average winter conditions.

### *ELECTRICAL STANDARDS*

#### Wiring

- (14) Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall type electrical convenience receptacles, connected in such manner as determined by the Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall type electric convenience receptacles.

#### Hall Lights

- (15) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural light is not sufficient.

#### Maintenance

- (16) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the Electric Code.

## BUILDINGS AND BUILDING REGULATIONS

### VENTILATION STANDARDS

#### Generally

- (17) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructions are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such a room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

#### Habitable rooms

- (18) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five percent of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.

#### **Bathroom and water closet room**

- (19) Every bathroom equipped with more than one water closet compartment shall comply with the light and ventilation requirements for habitable rooms.

### SPACE, USE AND LOCATION STANDARDS

#### Room sizes

- (20) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the Residential Building Code. (Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

## BUILDINGS AND BUILDING REGULATIONS

### Ceiling Height

- (21) At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

### Cellar

- (22) No cellar shall be used for living purposes unless:
- (a) the floor and walls are substantially watertight;
  - (b) the total window area, total openable window area and ceiling height are equal to those required for a habitable room;
  - (c) the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or access way.

## SAFE AND SANITARY MAINTENANCE STANDARDS

### Exterior foundation, walls and roofs

- (23) Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance of penetration of moisture or the weather.

### Interior floors, walls and ceilings

- (24) Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

## **Windows and doors**

- (25) Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water tight and rodent proof; and shall be kept in sound working condition and good repair.

## **Stairs porches and appurtenances**

- (26) Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

## BUILDINGS AND BUILDING REGULATIONS

### **Bathroom and kitchen floors**

- (27) Every bathroom and kitchen floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in sound condition and good repair.

#### Supplied facilities

- (28) Every supplied facility, piece of equipment or utility which is required under this Article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

#### Drainage

- (29) Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

### **Smoke Detector Systems**

- (30) Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.

## INSECT, RODENT AND INFESTATION CONTROL STANDARDS

#### Screens

- (31) For protection against mosquitoes, flies and other insects every dwelling shall have:
- (a) Supplied and installed screens on every door opening leading directly from the dwelling to outdoor space. Except, that sliding doors, doors with self closing devices, doors on mobile homes with self closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.
  - (b) Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year round with an operable and installed heating and air conditioning system.

#### Rodent control

- (32) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

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### Infestation

- (33) Every dwelling shall be maintained in a manner to be free of any infestations of insects, rodents or other pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

### Rubbish storage and disposal

- (34) Every dwelling shall be supplied with approved containers and covers for storage of rubbish as required by Town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

### Garbage storage and disposal

- (35) Every dwelling shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage container as required by Town ordinances.

## **ROOMING HOUSE STANDARDS**

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

### Water closet, hand lavatory and bath facilities

- (36) At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

### **Minimum floor area for sleeping purposes**

- (37) Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) Square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) twelve (12) years of age.

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### Sanitary conditions

- (38) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

### Sanitary facilities

- (39) Every water closet, flush urinal, lavatory basin and bathtub or shower required by Subsection (36) of this Section shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

[Note: Full compliance with a standard means that if any part of the stated standard is not complied with by a particular dwelling then that dwelling has failed to fully comply with the enumerated standard. For example, in regard to standard #10, if all standards are met in a dwelling except that a supply of hot water is not provided then the dwelling fails to fully comply with standard #10.]

### **Section 6-58. Dwellings Not in Compliance But Not Unfit for Human Habitation.**

In any case where the Housing Inspector determines that a dwelling fails to fully comply with one or more, but less than seven (7) of the above enumerated standards of dwelling fitness, such dwelling shall not be found to be unfit for human habitation and shall not be subject to the procedures and remedies as provided for in this Chapter for dwellings unfit for human habitation. Each such failure of noncompliance, however, shall constitute a violation of the terms of this Chapter and shall subject the violator to the penalties and enforcement procedures, civil or criminal or both, of Section 1-6 of Town's Code of Ordinances. In making the determination as described in this Section, the Housing Inspector shall not be required to make notice and hold the hearing as called for in Section 6-56, but the Housing Inspector may do so if the determination of the severity and classification of dwelling fitness is not clear to the Housing Inspector upon preliminary investigation.

### **Section 6-59. Procedure After Hearing; Order.**

If, after notice and hearing, the Housing Inspector determines that the dwelling under consideration is unfit for human habitation in accordance with the standards set forth above, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:

- (a) If the repair, alteration or improvement of the dwelling can be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation, based upon the Housing Inspector's standards for closing dwellings;

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OR

- (b) If the repair, alteration or improvement of the dwelling cannot be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve the dwelling in order to render it fit for human habitation or to remove or demolish such dwelling.

If, after notice and hearing the Housing Inspector determines that the dwelling under consideration is not unfit for human habitation but is not in full compliance with one or more standards of dwelling fitness as set forth above, he may proceed with the enforcement procedures of Section 1-6 of Town's Code of Ordinances, civil or criminal or both.

Whenever a determination is made pursuant to Subsections (a) or (b) of this Section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of Chapter, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Inspector shall certify the mailing of the notices, and the certifications shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Inspector to wait forty-five (45) days before causing removal or demolition.

### **Section 6-60. Failure to Comply with Order.**

- (a) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Housing Inspector may:
  - (1) Cause the dwelling to be repaired, altered or improved or to be vacated and closed.
  - (2) Cause to be posted on the main entrance of any such dwelling, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a violation of this Chapter.
- (b) If the owner fails to comply with an order to repair, alter or improve or to remove or demolish the dwelling, the Housing Inspector may:
  - (1) Cause such dwelling to be vacated and removed or demolished.
  - (2) Cause to be posted on the main entrance of any such dwelling, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a violation of this Chapter.

## BUILDINGS AND BUILDING REGULATIONS

- (c) The duties of the Housing Inspector set forth in Subsections (a) and (b) shall not be exercised until the Board of Aldermen shall have by ordinance ordered the Housing Inspector to proceed to effectuate the purpose of this Chapter with respect to the particular property or properties which the Housing Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the Housing Code. For the purposes of this subsection, a period of ninety (90) days following the date of the Housing Inspector's order shall constitute a reasonable opportunity. This ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- (d) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Housing Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes of North Carolina. If the dwelling is removed or demolished by the Housing Inspector, he shall sell the materials of the dwelling, and any personal property, fixture or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Housing Inspector, shall be secured in a manner directed by the Court, and shall be disbursed by the Court to the persons found to be entitled thereto by final order of the decree of the Court.
- (e) If any occupant fails to comply with an order to vacate a dwelling, the Housing Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any persons occupying such dwelling. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the Housing Inspector produces the certified copy of an ordinance adopted by the Board of Aldermen pursuant to Subsection (c) authorizing the Housing Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Board of Aldermen has ordered the Housing Inspector to proceed to exercise his duties under Subsections (a), (b) and (c) of this Section to vacate and close or remove and demolish the dwelling.

## BUILDINGS AND BUILDING REGULATIONS

- (f) If the Board of Aldermen shall have adopted an ordinance, or the Housing Inspector shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in Section 6-60 (a), and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order, then if the board of Aldermen shall find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, moral, and welfare of the Town in that the dwelling would continue to deteriorate, would create a fire and safety hazard would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the areas and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the Town, then in such circumstances, the Board of Aldermen may, after the expiration of such one year period, enact an ordinance and serve such ordinance to the owner, setting forth the following:
- (1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 90 days; or
  - (2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner demolish and remove the dwelling within 90 days.

### **Section 6-61. Service of Complaints and Orders.**

Complaints or Orders issued by the Housing Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the inspector makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the town at least not later than the time at which personal service would be required under the provisions of this Chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

## BUILDINGS AND BUILDING REGULATIONS

### **Section 6-62. Appeals.**

- (a) The Board of Adjustment is hereby appointed as the Housing Appeals Board to which appeals from any decision or order of the Housing Inspector may be taken. Except where this Chapter provides for different rules or procedures, the Board of Adjustment acting as the Housing Appeals Board shall follow its rules of procedure, which may be amended to provide specifically for this function.
- (b) An appeal from any decision or order of the Housing Inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the Town. Any appeal from the Housing Inspector shall be taken within ten days from the rendering of the decision or service of the order by filing with the Housing Inspector and with the Board a written notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Housing Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Housing Inspector refusing to allow the person aggrieved thereby to do any such act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the Housing Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Housing Inspector certifies to the Board after the notice of appeal is filed with him, that because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that case, the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Housing Inspector, by the Board, or by a court of record upon petition made pursuant to Subsection (e) of this Section.
- (c) The Board of Adjustment shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Housing Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Housing Inspector. The Board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the Chapter, to adapt the application of the Chapter to the necessities of the case to the end that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (d) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

Any person aggrieved by an order issued by the Housing Inspector or a decision rendered by the Board may petition the Superior Court for an injunction, restraining the Housing Inspector from carrying out the order or decision and the Court may, upon such petition, issue a temporary injunction restraining the Housing Inspector pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision.

## BUILDINGS AND BUILDING REGULATIONS

Hearings shall be had by the Court on a petition within 20 days, and shall be given preference over other matters on the Court's calendar. The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Subsection.

### **Section 6-63. Alternative Remedies.**

Nothing in this Chapter nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their 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 Chapter 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.

No dwelling shall be hereafter erected, altered, moved, or changed in occupancy without a Certificate of Occupancy. In any case where the Housing Inspector, after notice and hearing as required herein, finds that a dwelling or dwelling unit is unfit for human habitation, he shall withhold issuance of a Certificate of Occupancy for such dwelling or dwelling unit: until such time that he determines that it is fit for human habitation. In addition, in any case where the Housing Inspector, after preliminary investigation as provided for herein, concludes, based upon that investigation, that a dwelling or dwelling unit is unfit for human habitation and believes that the occupancy of such dwelling or dwelling unit could cause imminent peril to life or property from fire or other hazards, he shall withhold issuance of a Certificate of Occupancy for such dwelling or dwelling unit until such time that he determines that it is fit for human habitation.

If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Chapter or of any valid order or decision of the Housing Inspector or Board made pursuant to any ordinance or code adopted under authority of this Chapter, the Housing Inspector may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or occupancy, to restrain, correct or abate the violation, to prevent the occupancy of the dwellings, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

### **Section 6-64. Conflict with Other Provisions.**

In the event any provision, standard or requirement of this Chapter is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town's jurisdiction shall prevail. The North Carolina Building Code, current edition, shall serve as the standard for all alterations, repairs, additions, removals, demolitions and other acts of building made or required pursuant to this Chapter.

### **Section 6-65. Violations.**

In addition to the conditions, acts or failures to act that constitute violations specified in this Chapter above, it shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order.

## BUILDINGS AND BUILDING REGULATIONS

It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to Section 6-59, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition.

### **Section 6-66. Validity.**

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Aldermen hereby declares that it would have passed this Chapter and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid."

**Part 2.** All ordinances in conflict with the provisions of this Chapter are hereby repealed to the extent of such conflict. This Ordinance shall become effective upon its adoption by the Board of Aldermen of the Town of Granite Quarry, North Carolina.

**ADOPTED** this the 6<sup>th</sup> day of June, 2010.

Rebecca B. Shives  
Rebecca B Shives, Town Clerk

Mary S. Ponds  
Mary S. Ponds, Mayor

# CODE OF ORDINANCES

## Chapter 7

### BUSINESSES

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#### ARTICLE II. OCCUPATIONAL LICENSE TAXES\* - GENERALLY

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## BUSINESSES

### ARTICLE I. IN GENERAL

**Secs. 7-1 through 7-30. Reserved.**

### ARTICLE II. OCCUPATIONAL LICENSE TAXES\* - GENERALLY

#### **Sec. 7-31. 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:

1. **Business:** Any trade, occupation, profession, business, franchise or calling of any kind, subject by the provisions of this article to a license tax.
2. **Engaged or engaging:** A person is engaged in business within the town when he engages in business activity of any type, either as owner or operator of such business, by maintaining a business location within the town, or by soliciting or performing business within the town.
3. **Person:** Any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm or other legal entity or agent thereof.
4. **Seasonal in nature:** A business that is taxed by this article on an annual basis, but is operated within the town for less than six months of the year.

**Cross reference** - Definitions and rules of construction Chapter 1, §1-2.

#### **Sec. 7-32. License tax levied.**

A license tax is hereby levied on the privilege of engaging in every business within this town that is listed in the schedule of taxes that is on file in the town clerk's office. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.

#### **Sec. 7-33. Duties of town clerk.**

- (a) The town clerk is hereby designated as the proper town official to collect license taxes and to issue privilege licenses.
- (b) The town clerk shall make any investigation necessary to determine the tax liability of persons engaged in business within the town. If necessary, the town clerk is authorized to enter upon the premises of any such business during normal business hours for the purpose of determining whether this article has been complied with.

**\*State law reference**-Authority to levy privilege license taxes on trades, professions, etc., G.S. 160A-211.

## BUSINESSES

### **Sec. 7-34. Due date.**

- (a) Unless otherwise provided in the schedule of taxes on file in the town clerk's office, each privilege license issued shall cover the 12-month period beginning July 1 of each calendar year and ending June 30 of the subsequent calendar year.
- (b) The privilege license tax is due on July 1 of each year. If however, a person begins a business after July 1<sup>st</sup> the tax for that year must be paid before the business is begun.

### **Sec. 7-35. Application; required information; false statements.**

- (a) Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefore in writing to the town clerk. The application, to be made on a form provided by the town clerk, shall contain the following information:
  - (1) The name and nature of the business for which the license is sought.
  - (2) The address where the business is conducted, and a mailing address for the business, if different.
  - (3) The name and address of the person filling out the application and his relationship to the business.
  - (4) The name and address of the principal owner or the person primarily responsible for the business.
- (b) Any person who willfully makes a false statement on a license application shall be guilty of a violation and, upon conviction, shall be punished as provided in Chapter 1, §1-6 of this Code.

### **Sec. 7-36. Proration of tax, seasonal businesses.**

- (a) Except when a tax is based on gross receipts, if a business is begun after January 31 but before July 1, the tax shall be one-half of the amount otherwise due.
- (b) Except when a tax is based on gross receipts, a person engaged in a business, which is seasonal in nature, is liable for one-half of the amount of tax otherwise due.

### **Sec. 7-37. Multiple businesses.**

If a person is engaged in more than one business made subject to a license tax under this article, such person shall pay the license tax prescribed in the tax schedule enumerated in Section 7-62 for each such business, even if the businesses are conducted at the same business location.

## BUSINESSES

### **Sec. 7-38. Separate places of business.**

Unless otherwise provided by state law or by the tax schedule on file in the town clerk's office *if* a person engages in a business in two or more separate places, a separate license tax shall be required for each such place of business. For purposes of this section, if a person engages in the same business at two or more locations within the town, which locations are contiguous, communicate with and open directly into each other and are operated as a unit, the person is liable for only one license tax.

### **Sec. 7-39. Display of license.**

Each person issued a license under this article shall post the license in a conspicuous place in his regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the town clerk. If a machine or other item of personal property is licensed, the license shall be affixed to the machine or item.

### **Sec. 7-40. Change in place of business.**

If a person who has obtained a license for a business taxed under this article desires to move from one business location to another within the town, the license that has been issued shall be valid for the remainder of the license year at the new location, and no additional tax need be paid. Within a reasonable time after the change in location, however, such person shall inform the town clerk of the change in address.

### **Sec. 7-41. Refund policy.**

If a licensee discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license be made.

### **Sec. 7-42. Effect of license issuance.**

The issuance of a license under this article does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee.

### **Sec. 7-43. Exemptions.**

- (a) Any person who engages in business within the town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this article.

## BUSINESSES

- (b) Any blind person engaging in business within this town shall be exempt from paying any privilege license tax levied in this article to the extent provided by G.S. 105-249.
- (c) Any person completely disabled as defined by the social security laws shall be exempt from a business license tax, but such person shall pay a registration fee to register his business with the town.
- (d) Any person who is engaged in a business as a hobby, in that he/she does not make in excess of \$100.00 per year, shall be exempt from a business license tax, but such person shall pay the current registration fee to register his/her business with the town.

### **Sec. 7-44. Conducting business without a license; penalty.**

- (a) It shall be unlawful for any person to engage in a business within this town upon which a privilege license tax is imposed by this article without having paid the license tax specified in the license tax schedule on file in the town clerk's office. Violators shall be guilty of a violation and, upon conviction, shall be punished as provided in Chapter 1, §1-6. Each day that a person engages in business in violation of this section constitutes a separate offense.
- (b) The town may seek an injunction against any person engaging in business in violation of this section.
- (c) A conviction under this section does not relieve a person of his liability for the license tax or taxes imposed by this article.

### **Sec. 7-45. Collection of unpaid tax.**

- (a) If a person begins or continues to engage in a business taxed hereunder without payment of the required privilege license tax, the town clerk may use either of the following methods to collect the unpaid tax:
  - (1) The remedy of levy and sale or attachment and garnishment in accordance with G.S. 160A-207; or
  - (2) The remedy of levy and sale of real and personal property of the taxpayer in accordance with G.S. 105-109(d).
- (b) Any person who begins or continues to engage in a business taxed under this article without payment of such tax is liable for an additional tax of five percent of the original tax for each 30 days or portion thereof that the tax is delinquent.

### **Sec. 7-46 through 7-60. Reserved.**

## **ARTICLE III. SCHEDULE\***

### **Sec. 7-61. Changes in tax.**

All the taxes in this article are subject to change from time to time.

BUSINESSES

Sec. 7-62. Taxes enumerated.

On the trades, professions, agencies, business operations and other subjects set out in this section, the following taxes shall be levied and collected:

- (1) **Abattoirs.** Every person engaged in the business of operating an abattoir. See Merchant's Tax: (Subsection 137) for tax.
- (2) **Advertising.** No person shall distribute handbills, circulars, dodgers, pamphlets, cards or pictures or any advertising material of any kind by placing the material in or upon any motor vehicle standing or parked on a town street or upon vehicles parked on town-owned properties. Materials may be placed on private property only after first securing permission from the property owner. Littering is against the law and violators will be subject to prosecution.
  - a. Every person engaged in the business of outdoor advertising by placing, erecting or maintaining signboards or any other outdoor advertising devices (G.S. 105-86), per annum ..... \$35.00  
*Not applicable to theatres taxed by G.S. 105-37 where permission of owner has been secured.*
  - b. Reserved.
  - c. Distributing handbills or printed matter for commercial or promotional purposes on private property:
    - Per day .....\$3.00
    - Per annum .....\$20.00
  - d. Placing placards in buses, per annum ..... \$25.00
  - e. Distributing samples, favors, or novelties:
    - Per day.....\$3.00
    - Per annum.....\$25.00
  - f. Advertising not otherwise specifically taxed, per annum.....\$25.00
- (3) **Adult Entertainment.** .....\$500.00
- (4) **Agents and agencies.**
  - a. Collecting and claim agencies. Every person operating for profit a collection agency for the purpose of collecting accounts, notes or other indebtedness from one person in favor of another (not applicable to licensed attorneys) (G.S. 105-45), per annum.....\$50.00
  - b. Emigrant agents. Every person engaged in the business of procuring laborers for employment outside of the state (G.S. 105-90), per annum .....\$500.00
  - c. Employment agencies. Every person operating a business of securing employment for another person for a fee or commission (G.S. 105-90), per annum .....\$300.00
    - 1. Agencies for teachers, when approved by the education department of the state, per annum..... \$50.00
    - 2. Domestic help and unregistered nurses, where the sole business is placing, per annum.....\$50.00
  - d. Lumber brokers or agents. Every broker or lumber agent, per annum..... \$30.00
  - e. Agents and agencies not otherwise taxed, per annum..... \$40.00

\*State law reference-Privilege license schedule, G.S. 105-33 et seq.

## BUSINESSES

- (5) **Amusement promoter.** Every person engaged in the business of giving, offering or managing any form of entertainment or amusement not otherwise taxed or specifically exempted in this article for which an admission is charged, per annum..... \$25.00

Dances and other amusements actually promoted and managed by civic organizations and private and public secondary schools shall not be subject to the license tax imposed by this section. Dances and other amusements promoted and managed by a qualifying corporation that operates a center for the performing and visual arts are exempt from the license tax.

- (6) **Arcades,** See G.S. 105-130.11. See General business (subsection (94)g) for tax.

- (7) **Antique furniture.** Every person dealing in antique furniture-See Merchants tax (§137) for tax.

- (8) **Athletic contest,** per annum ..... \$2.50

- (9) **Automatic sprinklers.** See Elevators.

- (10) **Automobile, motorcycle dealers and service stations.**

- a. Automobile service stations. Every person engaged in the business of servicing, storing, and the like or in selling tires, batteries, accessories, fuels and lubricants, and auto radios: (G.S. 105-89(a)), per annum..... \$12.50
- b. Motorcycle dealers. Every person engaged in the business of selling, buying or distributing motorcycles or motorcycle accessories (G.S. 105~89.1), per annum.....\$12.50  
*A motorcycle dealer may also handle bicycles and bicycle supplies without additional tax.*
- c. Automotive equipment and supply dealers at wholesale. Every person engaged in the business of buying, selling, or distributing automotive accessories, including auto radios, batteries, parts, tires and other automotive supplies, at wholesale (G.S. 105-89(b)), per annum ..... \$37.50  
*If the wholesale tax is levied, no additional tax may be imposed for operating a service station.*
- d. Motor vehicle dealers. Every person engaged in buying, selling, distributing, servicing or storing motor vehicles, trailers and other automotive accessories or supplies (G.S. 105-89(c)), per annum ...\$25.00
- e. Persons dealing in used motor vehicles exclusively are liable for the tax set out in subsection d. of this section. If the business is of a seasonal, temporary, transient or itinerant nature, the tax shall be, for each location, per annum ..... \$300.00
- f. Auto body, truck and wagon buildings, per annum .....\$75.00
- g. Auto or truck rental or lease, including U-hauls. Every person engaged in the renting or leasing of autos or trucks, per annum .....\$50.00
- h. Auto cleaning or refinishing. Every person engaged in the business of cleaning and refinishing automobiles not covered by any other section in this fee schedule, per annum .....\$25.00

- (10) **Awning or tent makers.** Every person operating any business of making, selling or installing awnings or erecting tents. See Merchants tax (§137) for tax.

BUSINESSES

- (11) **Armored car and courier service**, per annum .....\$75.00
- (12) **Bakeries**. Every person engaged in the manufacture of, selling and soliciting orders for a general line of bakery products, or delivery of bread, cakes and pies, within the city. See Merchants tax (§(137)) for tax.
- (13) **Balloons, novelties, souvenirs, curies and flags**. Every person offering for sale balloons, novelties, souvenirs, curies and flags:
  - Per day .....\$5.00
  - Per week .....\$20.00
- (14) **Reserved**.
- (15) **Reserved**.
- (16) **Barber shops and beauty shops**.
  - a. Barber shops and beauty parlors. Every person engaged in the business of conducting a barber shop or parlor, or other shop of like kind, for each barber, manicurist, cosmetologist, beautician or other operator employed in such barber shop or beauty shop or parlor (G.S. 105-75), per annum .....\$2.50
  - b. Barber schools or beauty schools, per annum .....\$37.50
- (17) **Barrel, crate, stave or basket factories**, per annum .....\$100.00
- (18) **Beer and wine, retail** (G.S. 105-113.77).
  - a. Beer:
    - On-premises, per annum .....\$15.00
    - Off-premises, per annum .....\$5.00
  - b. Wine:
    - On-premises, per annum .....\$15.00
    - Off-premises, per annum .....\$10.00
  - c. Dealers in sweet wines for sale on premises, per annum .....\$15.00
  - d. Dealers in sweet wines for sale off premises, per annum .....\$10.00

*License period: May 1 through April 30 each year.*
- (19) **Beer and wine, wholesale** (G.S. 105-113.79).
  - Beer, per annum .....\$37.50
  - Wine, per annum .....\$37.50
  - Wholesale sale of wine and beer by same licensee, per annum .....\$62.50

*License period: May 1 through April 30 each year and not subject to proration.*
- (20) **Bicycles**. See General Business (§ 94a.) for tax.
- (21) **Reserved**.

BUSINESSES

(22) **Billiard and pool tables.** See General Business (§ 94b) for tax. Applicant must apply to city council for approval before a license will be issued.

(23) **Blacksmith shops.** Every person who operates a blacksmith shop, per annum .....\$25.00

(24) **Boardinghouses.** See Hotels (§106). Every person serving for pay within a residence at least one meal a day for as many as ten people shall be classified as a boardinghouse operator and shall pay a license tax, per annum, of .....\$10.00

(25) **Boiler repair shops.** Every person operating a boiler repair shop, per annum .....\$40.00

(26) **Bookstore.** See Merchants tax (§ 137) for tax.

(27) **Reserved.**

(28) **Bowling alley.** See General Business (§ 94c.) for tax.

(29) **Boxing.** See Wrestling (§ 233) for tax.

(30) **Brick dealers.** See Merchants tax (§ 137) for tax.

(31) **Brokers and commission merchants** (G.S. 105-68). Every person engaged in buying and selling commodities, either for actual spot or instant delivery, not otherwise taxed in this section, per annum .....\$50.00

Merchandise or commercial brokers. Every person who negotiates the purchase or sale of manufactured articles, groceries, corn, hay or other farm products of this or any other state, or of foreign importation, acting only as intermediate between buyer and seller for the consideration of brokerage or percentage from either without directly or indirectly handling, receiving or delivering or forwarding the goods bought or sold or the money paid therefore, shall be deemed a commercial or mercantile broker, and shall pay a license tax, per annum, of .....\$40.00

*Note: Brokers not coming under the above clause, same as Commission merchants.*

(32) **Cabarets and nightclubs.** Every person engaged in the business of operating an establishment where food or drinks are dispensed and exhibitions, performances or other forms of entertainment are provided, including topless waitresses, dancers or employees, shall pay a license tax, per annum, of .....\$200.00

(33) **Cabinetmakers and carpenters.** Every person engaged in the business of operating a cabinet shop or carpenter service, per annum .....\$25.00

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(34)CAFÉ

~~\*REFER TO RESTAURANTS(179) Cafes, restaurants, cafeterias, lunch stands(G.S. 105-62).Every person engaged in the business of operating a restaurant, cafe, cafeteria, hotel with dining service on the European plan, drugstore or lunch stand, or other place where prepared food is sold, per annum:§ 105-62: Repealed by Session Laws 1996, Second Extra Session, c. 14, s. 17.~~

For each chair, stool or bench capacity .....\$0.50  
Minimum fee .....\$25.00

(35) Candy or confectionery manufacturers, per annum .....\$40.00

(36) Reserved.

(37) Carnival companies (G.S. 105-39). Every person engaged in the business of a carnival company or a show of like kind, per week .....\$150.00

For riding devices which are not a part of nor used in connection with any carnival company, each device, per week .....\$5.00

(38) Carpet or rug cleaning. See Merchants Tax (§ 137) for tax.

(39) Chain stores. (G.S.105-98). Every person engaged in the business of operating under the same general management two or more stores where merchandise is offered for sale at retail shall be deemed a branch or chain store operator and shall pay a license tax, for each such store (principal office or main store in state exempt), per annum .....\$50.00

*Such tax shall be in addition to any other tax paid.*

(40) Chimney and stove cleaners, per annum .....\$50.00

(41) Circuses, menageries, wild west, dog and pony shows (G.S. 105-38). Every person engaged in the business of exhibiting performances, such as circuses, menageries, wild west shows or other similar exhibitions. Available sanitary facilities must be approved by the board of health, per day .....\$ 25.00

(42) Reserved.

(43) Cleaners. See Drycleaners (§ 64) for tax (G.S. 105-74).

(44) Reserved.

(45) Cold storage plants or freezer lockers. Every person operating a cold storage plant wherein anything is stored for compensation. See Merchants Tax (§ 137) for tax.

(46) Reserved.

(47) Contractors and construction companies. Every person offering or bidding, for a fixed price, commission, fee or wage, to construct any building, highway, street, sidewalk, bridge, culvert, sewer

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or water system, drainage or dredging system, electric or steam railway, reservoir or dam, hydraulic or power plant, transmission line, tower, dock, wharf; excavation, grading or other improvement or structure, per annum .....\$10.00

(48) **Reserved.**

(49) **Collecting agencies.** See Agents and agencies (§ 3a.) for tax (G.S. 105-45), per annum.....\$50.00

(50) **Cotton gins.** Every person engaged in the business of operating a cotton gin per annum .....\$50.00

(51) **Cotton warehouses.** Every person engaged in the business of operating a cotton warehouse, per annum .....\$75.00

(52) **Coupons books or coupons.** Every person engaged in the business of selling coupon books or coupons (cash only) .....\$125.00

(53) **Cottonseed oil mills.**

12 presses or more, per annum .....\$200.00

Less than 12 presses, prorated. Where the manufacturing, manipulating or mixing of fertilizers is carried on, additional, per annum .....\$100.00

(54)**Creameries or dairies.** Every person operating a creamery within the corporate limits of the city or operating outside the corporate limits of the city but making deliveries within the corporate limits of the city, per annum .....\$75.00

(55)**Cross ties.** See Poles, cross ties, gum logs or similar articles (§171) for tax.

(56)**Dance studio.** Every person engaged in the business of operating a dance studio, per annum...\$30.00

(57) **Day care center** (G.S. 105-60). Every person engaged in the business of caring for six or more children not related by blood or marriage to or not the legal wards or foster children of the operator, by operating a nursery, day care center, day school, kindergarten or other related child care facility, shall obtain a license and pay for such license the following tax for each place of business; provided, however, that approval by the fire department and the building inspector is required prior to the issuance of this license or renewal thereof; and provided further that nonprofit, charitable child care centers shall not be required to obtain a license and shall be exempt from the payment of the privilege license tax. Per location, per annum:

Fewer than 50 children .....\$50.00

50 to 99 children .....\$100.00

100 to 149 children .....\$200.00

150 to 200 children .....\$300.00

More than 200 children .....\$400.00

BUSINESSES

- (58) **Delivery service.** Every person engaged in delivery service with a vehicle propelled by motor or other power, per vehicle, per annum .....\$50.00
- (59) **Dental Laboratories, dental supplies.** See Merchants Tax (§ 137) for tax.
- (60) **Dog and pony shows.** (G.S. 105-38). See Circuses, etc. (§ 41) for tax.
- (61) **Directories.** Every person compiling and selling directories, per annum .....\$100.00
- (62) **Demolition.** Bond requirement, per annum .....\$22.50
- (63) **Reserved.**
- (64) **Drycleaners, pressing clubs and hat blockers** (G.S. 105-74). Every person operating a dry-cleaning plant, pressing club or hat blockers business within the town limits, and solicitors for plants located outside the corporate limits, per annum ..... \$50.00  
See Laundries (§ 122) for tax.
- (65) **Electric light companies.** See Utilities (§ 222) for tax.
- (66) **Electricians** (G.S. 105-91). Every person installing electrical equipment, fixtures and wiring in or upon the customer's premises:
  - Employing 1 person ..... \$25.00
  - Employing more than 1 person ..... \$50.00
- (67) **Electronic video games** (G.S. 105-66.1). Every person engaged in the business of owning or operating machines that play electronic video games when a coin or other thing of value is deposited in the machines, each machine, per annum .....\$5.00

Note: An application for a license shall include the serial number of the machine operated. A video decal will be issued upon purchase of a license and must be affixed to the machine in a conspicuous place. No person may allow an unlicensed video game machine in a place of business occupied by that person. Licenses issued under this section are not transferable from one machine to another.

For purposes of this section, a person is engaged in the business of owning an electronic video game machine if he owns the machine and locates it in his own place of business; and a person is engaged in the business of operating an electronic video game machine if he locates, exhibits, displays or permits to be exhibited or displayed an electronic video game machine in a place of business other than his own.

- (68) **Elevators and automatic sprinkler systems, selling and installing** (G.S. 105-55). Must be approved by the fire department. Every person engaged in selling and installing elevators or automatic sprinkler systems, per annum .....\$100.00

BUSINESSES

(69) **Reserved.**

(70) **Employment agencies.** See Agents and agencies (§ 3) for tax.

(71) **Engravers and lithographers.** Every person engaged in engraving or lithographing. See Merchants Tax (§ 137) for tax.

(72) **Express companies.** Every express company doing business in the corporate limits, per annum .....\$75.00

(73) **Fertilizer plants.** Wholesale dealers in or manufacturers of fertilizer maintaining or operating plants outside of the city and who maintain offices within the city, or any person selling fertilizers and having or maintaining an office or place of business or private warehouse for storage of fertilizers in city, shall pay a privilege license tax, per annum of .....\$100.00

(74) **Fertilizer, manufacturers, manipulators or mixers of,** per annum .....\$250.00

(75) **Reserved.**

(76) **Fireworks.** Sales not permitted.

(77) **Fish.** Every person engaged in the business of soliciting orders for, selling or delivering fish, shrimp or other shellfish within the city at wholesale from a truck, van or other vehicle shall pay a tax for each vehicle, per annum, of .....\$60.00

(78) **Fish, oyster, shrimp and other shellfish dealers.** Every person principally engaged in the retail sale of oysters, shrimp, fish and other shellfish, per annum .....\$40.00

(79) **Fish, shellfish (oysters, clams, etc.) game and like articles, packers, wholesalers and shippers of,** per annum .....\$60.00

(80) **Flea markets.** See Specialty markets (§ 198) for tax.

(81) **Floor finishers.** By machine, as a business for profit, per annum .....\$40.00

(82) **Flour or gristmills,** per annum .....\$100.00

(83) **Fortunetellers, clairvoyants and similar trades.** Every fortuneteller, clairvoyant or person following a similar trade, per annum .....\$750.00

(84) **Foundry or machine shop.**

Every person operating a foundry and machine shop, per annum .....\$100.00

Machine shop only, per annum .....\$75.00

If dealing in old scrap brass, copper or lead, additional, per annum .....\$100.00

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(85) **Franchise taxes.** See Utilities (§ 222) for tax.

(86) **Fresh meats.** See Meats (§ 135) for tax.

(87) **Reserved.**

(88) **Fruit and vegetable dealers, wholesalers, and selling from truck, an/or other vehicle.**

Per annum .....	\$100.00
Per week .....	\$15.00
Per day .....	\$5.00

(89) **Funeral directors** (G.S. 105-46). See Undertakers and coffin retailers (§ 220) for tax.

(90) **Game machines.** See General business (§ 94g.) for tax.

(91) **Gas companies.** See Utilities (§ 222) for tax.

(92) **Gasoline, benzene, lubricating oil and greases, and fuel oil and other heating and cooking fuels** (G.S. 105-72), per annum .....\$50.00

(93) **Gasoline engines.** Every dealer or manufacturer's agent for gasoline engines per annum .....\$25.00

(94) **General business.**

- a. Bicycle dealers. Selling bicycles, bicycle supplies or accessories (G.S. 105-49), per annum ..\$25.00
- b. Billiard and pool tables. Whether operated by slot or otherwise (G.S. 105-64), per annum, per location .....\$25.00
- c. Bowling alley. Operating a bowling alley or alleys of like kind (G.S. 105-64.1), per annum, per alley .....\$10.00
- d. Campground. Operating a campground, trailer park, tent camping area or similar place for profit, advertising in any manner for transient patronage (G.S. 105-61.1), per annum .....\$12.50
- e. Ice cream retailers. Manufacturing ice cream using freezer equipment and selling the ice cream at retail, manufacturer other than a manufacturer who has paid the tax imposed in G.S. 105-97(a). For the purpose of this subsection, ice cream means ice cream, frozen custards, sherbets, water ices, yogurt, and similar frozen products, per annum .....\$2.50
- f. Pianos: stereos (as a regular merchant, not itinerant). Selling, offering, ordering for sale, repairing or servicing pianos, organs, record players, records, tape players, tape cartridges designed for use in tape players, television sets, television accessories or repair parts, including radios designed for exclusive use in motor vehicles (G.S. 105-82), per annum .....\$5.00
- g. Pinball machines; merry-go-rounds, operating a bagatelle table, merry-go-round, other riding device, hobbyhorse, switchback railway, shooting gallery, swimming pool, skating rink, other amusement of a like kind, or a place for other games or play with or without name (unless used solely and exclusively for private amusement or exercise) at a permanent location (G.S. 105-66), per annum (see Game machines (§ 90); Slot machines (§ 196) .....\$25.00

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- h. Sundries. Selling sandwiches (such term not to be construed to include crackers or cookies in combination with any food filling) in drugstores or any other stands or places not operating as a restaurant; operating, maintaining or placing on location fewer than five cigarette or other tobacco products, dispensers, soft drink dispensers, food or other merchandising dispensers, or weighing machines; retailing soft drinks; or retailing or jobbing cigarettes or any other tobacco products (G.S. 105-65.2), per annum .....\$4.00
- i. Video stores. Selling, leasing, furnishing or distributing movies, including video movies, for use in places where no admission fee is charged (G.S. 105-36), per annum .....\$25.00
- (95) **Golf courses**, including miniatures. Each course, per annum .....\$25.00
- (96) **Gunsmiths and locksmiths**. Every person engaged in business as a gunsmith or locksmith, per annum .....\$40.00
- (97) **Reserved**.
- (98) **Harvesting and agricultural machinery**. Every person engaged in the business of selling, trading or dealing in harvesting and agricultural machinery. See Merchants Tax (§ 137) for tax.
- (99) **Hairdressers** (G.S. 105-75). See Barber shops and beauty shops (§ 16) for tax.
- (100) **Handbills**. See Advertising (§ 2c.) for tax.
- (101) **Hat blockers** (G.S. 105-74). See Drycleaners, etc. (§ 64) for tax.
- (102) **Hatchery**. Every person engaged in the business of operating a hatchery, per annum .....\$5.00
- (103) **Reserved**.
- (104) **Heating and cooling contractors** (G.S. 105-91). Every person engaged in the business of a plumber, installing plumbing fixtures, piping or equipment, steam or gas fitter or installing hot heating systems:
- |                                    |         |
|------------------------------------|---------|
| Employing 1 person .....           | \$25.00 |
| Employing more than 1 person ..... | \$50.00 |
- (105) **Reserved**.
- (106) **Hotels** (G.S. 105-61). Every person engaged in the business of operating any hotel, motel, tourist court, tourist home or similar place advertising in any manner for transient patronage, or soliciting any such business (to include bed and breakfast):
- |                           |        |                   |         |
|---------------------------|--------|-------------------|---------|
| Per room, per annum ..... | \$1.00 | Minimum tax ..... | \$25.00 |
|---------------------------|--------|-------------------|---------|

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- (107) **House moving.** Bond requirement, per annum .....\$22.50
- (108) **Reserved.**
- (109) **Hypnotists.** Operating outside regular licensed theatres or operating within a regular licensed theatre when a special fee or additional admission charge is made, per week .....\$300.00
- (110) **Ice cream dealers and manufacturers.**
  - a. Wholesale. Every person engaged in manufacturing or distributing ice cream at wholesale (G.S.105-97 (a)), per annum .....\$12.50
  - b. Ice cream retailers. See General business (§ 94e.) for tax.
  - c. Retail from vehicle, per vehicle, per annum .....\$25.00
  - d. Street vendors (§ 202).
- (111) **Reserved.**
- (112) **Ice dealer or manufacturer.** See Merchants tax (§ 137) for tax.
- (113) **Reserved.**
- (114) **Insulation and weather-stripping.** Every person engaged in the business of installing insulation material or weather-stripping, per annum .....\$22.50
- (115) **Intoxicating beverages.** See Beer and Wine, retail (§ 18) and Beer and Wine, wholesale (§19) for tax.
- (116) **Itinerant merchants and salesmen** (G.S. 105-33). Cash or money order only. Peddlers may not litter, and if are determined to do so may be prosecuted to the fullest extent of the law.
  - a. Every itinerant salesman or merchant who shall expose for sale any produce, goods, wares, or merchandise at retail in the city, and not being a regular merchant (as under § 137), per annum .....\$100.00  
See Wholesale dealers (§ 88).
  - b. Itinerant dealers in antique furniture or Oriental goods, per annum .....\$300.00  
Any salesman or merchant offering for sale produce, goods, wares and merchandise shall be deemed an itinerant within the meaning of this section who conducts the business within the city for any period of time less than six consecutive months.

It shall be unlawful for any person to establish a location upon any public street, sidewalk, right-of-way, plaza, park or city-owned or city-leased property for any period of time, or use such property or any part thereof as a location for or as a place of business for selling or offering for sale products

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or merchandise of any kind, except as otherwise provided in this Code. See Peddler policy (§ 163).

The provisions of this section shall not apply to persons who sell books, periodicals, printed music, ice, wood for fuel, or fish, beef, mutton, pork, bread, cakes, pies, dairy products, poultry, eggs, livestock or articles made or produced by the individual offering such articles for sale, but shall apply to medicines, drugs or articles acquired or assembled.

- (117) **Janitorial service.** Washing or cleaning windows or cleaning buildings:
  - a. On gross sales up to \$10,000.00, per annum .....\$25.00
  - b. Each additional \$1,000.00 in excess of \$10,000.00, per annum .....\$0.60

- (118) **Jewelry and watch repairing.** Every person engaged in the business of repairing watches or jewelry. per annum .....\$25.00

(119) **Reserved.**

- (120) **Knives** (G.S. 105-80). Every person engaged in the business of selling or offering for sale Bowie knives, disks, daggers, slingshots, leaded canes, iron or metallic knuckles or articles of any like kind, per annum .....\$200.00

- (121) **Landscape contractor.**
  - a. Lawn service, less than \$10,000.00 gross amount, per annum .....\$10.00
  - b. Not more than \$50,000.00 gross amount, per annum .....\$50.00
  - c. \$50,001.00 to \$100,000.00 gross amount, per annum .....\$75.00
  - d. Over \$100,000.00 gross amount, per annum .....\$100.00

- (122) **Laundries** (G.S. 105-85). Every person engaged in the business of operating a laundry, including wet or damp wash laundries and businesses known as launder alls and similar type businesses, where steam, electricity or other power is used, or who engages in the business of supplying or renting clean linen or towels or wearing apparel, to include coin-operated or coin-activated washing machines, per annum .....\$50.00

Out-of-town laundries. Every person engaged in the business of laundry work or in renting clean linens or towels when work is performed outside of the city or when linens and towels are supplied by a business located outside the city, per annum .....\$12.50

Note: This license is in addition to that of dry-cleaning or pressing clubs under §64.

(123) **Reserved.**

- (124) **Lightning rod agents** (G.S. 105-59). See Agents and agencies (§ 3d.) for tax.

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(125) **Loan agencies or brokers** (G.S. 105-88). Every person engaged in the regular business of making loans or lending money, accepting liens on or contracts of assignment of salaries or wages or other security or evidence of debt for repayment, in installment payments or otherwise, and maintaining in connection with such business any office or established place for conduct of business in any manner, per annum .....\$100.00

\*\*Not applicable to banks, building and loan associations, credit unions, or to loans on real estate or to pawnbrokers.

(126) **Lounges, taprooms, bars or similar business**, per annum ..... \$100.00

Any business subject to the tax under Cabarets and nightclubs (§ 32) shall not pay this tax.

(127) **Lunch counters and stands** (G.S. 105-62). See Cafes, etc. (§ 34) for tax.

(128) **Machine shops**. See Foundry or machine shop (§ 84) for tax.

(129) **Magazines** (G.S. 105-78). See Merchants tax (§ 137) for tax.

(130) **Manufacturers**. See Merchants tax (§ 137) for tax; provided the maximum shall not exceed \$750.00.

(131) **Reserved**.

(132) **Reserved**.

(133) **Massage parlors** (G.S. 160A-174; G.S. 14-202.10, 14-202.12). Every person engaged in the business and like business, per annum .....\$500.00

(134) **Reserved**.

(135) **Meats** (G.S. 105-70).

Wholesale and packing houses. Every person engaged in the business of selling fresh meats at wholesale or operating a packinghouse, per annum .....\$200.00

Packinghouse companies dealing in other than meats or the byproducts thereof shall be taxed under Merchants tax (§ 17) and shall be liable for the additional tax specified thereon.

(136) **Reserved**.

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(137) Merchants tax, retail and wholesale.

a. Dealers doing any kind of business at retail, wholesale or both retail and wholesale, not specifically taxed in this section, for each store or place of business, per annum on gross sales. See Chain stores (§ 39).

Service companies or consultants. Persons engaged in performing services where no goods, wares or merchandise are sold, and not otherwise specifically taxed in this section. The tax is calculated using the Merchants tax schedule for taxation.

For new business, the first year's tax is determined by using an estimation based on one-half of the first year's expected gross receipts.

1. Not exceeding \$10,000.00 .....	\$10.00
2. More than \$10,000.00 but not more than \$20,000.00 .....	\$20.00
3. More than \$20,000.00 but not more than \$30,000.00 .....	\$30.00
4. More than \$30,000.00 but not more than \$40,000.00 .....	\$40.00
5. More than \$40,000.00 but not more than \$50,000.00 .....	\$50.00
6. More than \$50,000.00 but not more than \$60,000.00 .....	\$60.00
7. More than \$60,000.00 but not more than \$70,000.00 .....	\$70.00
8. More than \$70,000.00 but not more than \$80,000.00 .....	\$80.00
9. More than \$80,000.00 but not more than \$90,000.00 .....	\$90.00
10. More than \$90,000.00 but not more than \$100,000.00 .....	\$100.00
11. More than \$100,000.00 .....	\$100.00
plus, per \$1,000.00 or portion thereof in excess of \$100,000.00 .....	\$0.15

b. Provided, however, regardless of the amount of sales, no privilege license tax shall exceed the sum of \$1,000.00.

Gross sales or receipts. Where the amount to be paid for a license depends upon the amount of gross sales or receipts or other facts to be ascertained, it shall be the duty of the person applying for a license to render to the town finance director a sworn statement of such gross sales or receipts during the preceding month, quarter or calendar year and such other and further proof as the finance director may require before July 1. Failure to submit gross sales or receipts before July 1 will result in the billing of the maximum amount allowed in this section.

In case of a new business or where the business is commenced after July 1 and the tax on such business is based and determined upon the gross sales or receipts, the tax shall be assessed upon the probable gross sales and receipts during a period of one-half year.

The town may review supporting documentation to substantiate gross sales or receipts reported. Additional billings will result from underreporting of gross sales or receipts. Each person who conducts a business taxed under this article, whose license is based on gross sales or receipts, shall keep all records and books necessary to compute his/her tax liability. If a person fails to keep

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books and records as required, the finance director shall make a determination of that person's tax liability from the information available.

Any information gained by the town as a result of any investigations, hearings and the like, as required or authorized by this article, shall be confidential, except for official purpose and except in accordance with proper judicial order or as otherwise provided by law, and it shall be unlawful to divulge such information; provided, however, the city finance director may disclose to the State Commissioner of Revenue or his duly authorized agent all such information and right to inspect. **State law reference**-Remedies for collecting taxes, G.S. 160A-207.

(138) **Merry-go-rounds, etc.** (G.S. 105-66). See General business (§ 94g.) for tax.

(139) **Metallic cartridges.** Every dealer in metallic cartridges (G.S. 105-80), per annum ..... \$5.00

(140) **Miscellaneous.** Every person engaged in any business, trade, profession or other undertaking which is not specifically taxed in this section and not exempt by state law or by ordinance shall be taxed under Merchants tax (§ 137).

(141) **Motorcycle dealers** (G.S. 105-89.1). See Automobile dealers, etc. (§ 9b.) for tax.

(142) **Motor advertising** (G.S. 105-87). See Advertising (§ 2) for tax.

(143) **Motor vehicle dealers** (G.S. 105-89(c)). See Automobile dealers, etc. (§ 9d.) for tax.

(144) **Moving pictures, theatres and vaudeville shows** (G.S. 105-37).

- a. Every person engaged in the business of operating a moving picture show or place where vaudeville exhibitions are given for compensation, each screen, per annum.....\$200.00
- b. Drive-in theatres, per annum .....\$100.00

(145) **Reserved.**

(146) **Music machines** (G.S. 105-65). Each machine, per annum .....\$5.00

(147) **Musical instruments** (G.S. 105-82). See General business (§ 94f) for tax.

(148) **News dealer.** See Merchants tax (§ 137) for tax.

- (149) **Newspaper contests** (G.S. 105-71). Every person who conducts contest and offers prizes or other compensation to obtain subscriptions to newspapers or magazines, per annum:
  - a. Monthly, semiweekly newspapers and magazines .....\$50.00
  - b. Daily newspaper or other daily periodical .....\$100.00

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(150) **Newspaper publishing.**

- a. Every person publishing a daily newspaper, per annum .....\$150.00
- b. Every person publishing a newspaper in editions other than daily, per annum .....\$10.00

(151) **Nightclubs.** See Cabarets (§ 32).

(152) **Oils** (G.S. 105-72). See Automobile dealers, etc. (§ 9a.), or Gasoline, etc. (§ 92) for tax.

(153) **Outdoor advertising** (G.S. 105-86). See Advertising (§ 2a.) for tax.

(154) **Oyster dealers.** See Fish, oyster, shrimp and other shellfish dealers (§ 77) for tax.

(155) **Packinghouses** (G.S. 105-70). See Meats (§ 135) for tax.

(156) **Painting.** Every person engaged in business as a painting contractor or subcontractor,  
per annum .....\$25.00

(157) **Reserved.**

(158) **Paper hanging.** Every person engaged in the business of hanging paper and wall coverings,  
per annum .....\$25.00

(159) **Parking lots.** Every person engaged in collecting a fee for the rental of spaces in a parking lot as a  
business:  
Per space .....\$0.25  
Minimum, per annum .....\$10.00

(160) **Reserved.**

(161) **Pawnbrokers** (G.S. 105-50). See Precious metals and stones (§ 173). Every person engaged in  
business as a pawnbroker, per annum .....\$275.00

(162) **Reserved.**

(163) **Peddlers** (G.S. 105-53). For itinerant peddler, see Itinerant merchants and salesmen (§ 116). Cash  
or money order only. Peddlers may not litter, and if are determined to do so may be prosecuted to the  
fullest extent of the law.

Every person who shall carry from place to place any goods, wares or merchandise and sell or offer  
for sale or barter the goods, wares or merchandise at retail shall be deemed a peddler (except,  
however, dealers with an established warehouse or place of business within the town and those

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selling to merchants for resale and itinerants as defined in (§ 116), and shall pay privilege license taxes as follows:

- a. Peddlers on foot, per annum .....\$10.00
  - b. Peddlers with horse or other animal, with vehicle, per annum .....\$15.00
  - c. Peddlers with vehicle propelled by motor or other power, for each vehicle:
    - One-half ton or less, per annum .....\$25.00
    - Over one-half ton, per annum .....\$200.00
  - d. One day only, special event, per person .....\$5.00
- For wholesale, see Fruit and vegetable dealers (§ 88) for tax. The standards of identification for all peddlers selling goods inside the city limits are as follows:
- 1. All vehicles will be issued a bumper decal upon purchase of a peddler or itinerant merchant license.
  - 2. All peddlers and itinerant merchants will be required to place this decal on the back bumper of their vehicles, where it will be visible to the city inspector and city police department. Door-to-door and special peddlers will be required to wear the sticker on their clothing.

Violators will be considered unlicensed peddlers and will be selling goods illegally. A stop order will be placed on these persons until their status has been verified.

Peddlers must not be a nuisance. (§12-16 through 12-18)

Note: This subsection is not applicable to the sale of books, periodicals, printed music, ice, wood for fuel, or fish, beef, mutton, pork, bread, cakes, pies, dairy products, poultry, eggs, livestock or articles produced by the vendor offering them for sale, but shall apply to medicines, drugs, or articles acquired or assembled.

(164) **Photoengravers.** Every person engaged in the business of photoengraving, per annum .....\$25.00

(165) **Pet grooming service,** per annum .....\$30.00

(166) **Pianos and stereos.** See General business (§ 94f.) for tax.

(167) **Pistols** (G.S. 105-80). Every person engaged in the business of selling or offering for sale:

- a. Pistols and blank cartridge pistols, per annum .....\$50.00
- b. Bowie knives, metallic knuckles and the like, per annum .....\$200.00
- c. Dealing in metallic cartridges only, per annum .....\$5.00

(168) **Planning mills.** Not running in connection with sawmills, per annum .....\$100.00

(169) **Plastering contractors.** See Contractors (§ 47) for tax.

## BUSINESSES

- (170) **Plumbers** (G.S. 105-91). Every person engaged in the business of a plumber, installing plumbing fixtures, piping or equipment, steam or gas fitting or installing hot heating systems:  
Employing 1 person .....\$25.00  
Employing more than 1 person .....\$50.00
- (171) **Poles, cross ties, gum logs or similar articles**. Every person engaged in buying, selling, cutting or shipping such articles, per annum .....\$150.00
- (172) **Pool tables**. See General business (§ 94b.) for tax.
- (173) **Precious metals and stones**. Every person engaged in buying, selling and dealing with secondhand precious metals, jewels and stones (not including coins and gold or silver ingots); provided, however, that this tax shall not apply to persons covered by (§ 137) and (§ 161) of this section,  
per annum .....\$250.00
- (174) **Printing establishments**. See Merchants tax (§ 137) for tax.
- (175) **Radios**. See General business (§ 94f.) for tax.
- (176) **Recycling, rags, hides, waste paper, and solid waste recycling dealers** (see Solid waste collectors (§ 197) (G.S. 105-102). Every person engaged in the business of buying or selling hides, rags, waste paper or recyclable materials. See Merchants tax: (§ 137) for tax.
- (177) **Rentals, equipment**. See Merchants tax (§ 137) for tax.
- (178) **Repair shop**. Every person engaged in the business of operating a repair shop, including mobile, not otherwise taxed, per annum .....\$30.00
- (179) **RESTAURANTS (G.S. 160A-211) Operating a restaurant, café, cafeteria, hotel with dining service on the European plan, drugstore, or other place where prepared food is sold.**  
Business that has no seats for customers- or seats for no more than 4 customers..... \$25.00  
Business with five seats or more..... \$42.50
- (180) **Riding devices** (G.S. 105-66). See General business (§ 94g.) for tax.
- (181) **Roof patchers or repairers**. Every person engaged in the business of patching, painting or repairing of roofs, per annum .....\$30.00
- (182) **Reserved**.
- (183) **Sandwiches, wholesale dealers**. Every person engaged in the business of preparing and selling sandwiches at wholesale. See Merchants tax (§137) for tax.
- (184) **Sawmills, steam or electric**.  
a. Mills with capacity exceeding 200,000 feet per day, per annum .....\$150.00  
b. Mills with capacity less than 200,000 feet per day, per annum .....\$75.00

## BUSINESSES

Note: See also Planning mills (§168).

(185) **Reserved.**

(186) **Security dealers** (G.S. 105-67). Every person engaged in the business of dealing in securities or as a stock or bond salesman, bond or futures buyer, stockbroker, or who maintains a stock or bond house, per annum .....\$50.00

(187) **Security guard, patrol and guard dog services**, per annum .....\$50.00

(188) **Service companies or consultants.** See Merchants tar (§137) for tax.

(189) **Reserved.**

(190) **Reserved.**

(191) **Shoe shops.** Every person engaged in the business of making or repairing shoes:

a. 1 machine, per annum .....\$15.00

b. 2 machines, per annum .....\$22.50

c. 3 or more machines, per annum .....\$37.50

(192) **Shooting galleries** (G.S. 105-66). See General business (§94g.) for tax.

(193) **Sign painters**, per annum .....\$40.00

(194) **Signboards.** See Advertising (§2) for tax.

(195) **Skating rinks.** See General business (§94g.) for tax.

(196) **Slot machines and slot lochs.** Each panorama or other machine for the showing of small dimensional motion pictures, with or without sound, and requiring a deposit of more than \$0.09, see General business (subsection (94)b.) for tax.

(197) **Solid waste collectors.** Every person engaged in the private, commercial business of collecting or hauling waste material for disposal. See Recycling (§176). See Merchant tax schedule (service company) for taxation.

(198) **Specialty markets** (G.S. 105-53). Engaging in the business of operating a specialty market, defined as a person who rents space at a location other than a permanent retail store to others for the purpose of selling goods at retail or offering for sale at retail, per annum .....\$200.00

Vendor. One who transports an inventory of goods to a specialty market licensed under this subsection and who, at that location, displays the goods for sale at retail, per annum .....\$200.00

BUSINESSES

(199) **Sprinklers** (G.S. 105-55 and G.S. 105-56). See Elevators, etc. (§68) for tax.

(200) **Steam Fitters** (G.S. 105-91). See Plumbers (§170) for tax.

(201) **Storage warehouse** (to include mini warehouse storage). Every person engaged in the business of operating a warehouse, storage or transfer warehouse wherein anything not belonging to the owner or operator of the warehouse is stored for compensation. See Merchants tax (§137) for tax.

Note: This subsection is not applicable to transportation companies receiving and temporarily storing goods in transit or to the storage of cotton and tobacco.

(202) **Street vendors**. See Peddlers (§163).

(203) **Sundries** (G.S. 105-102.5). See General business (§94h.) for tax.

(204) **Swimming pools** (G.S. 105-66). See General business (§94g.) for tax.

(205) **Tailors**. Every person engaged in the business of operating a tailor shop, per annum .....\$30.00

(206) **Taxicabs** (G.S. 20-97). Every person, owning or operating a taxicab, each vehicle, per annum  
.....\$15.00

(207) **Telegraph companies**. Every telegraph and wire service company engaged in business within the corporate limits, per annum .....\$50.00

(208) **Reserved**.

(209) **Theatres, shows, promotions, or exhibitions** not otherwise specifically taxed, per annum ..\$100.00

(210) **Reserved**.

(211) **Tin shops or metalworkers**. See Welders (§22h.), per annum .....\$40.00

(212) **Reserved**.

(213) **Tobacco warehouses** (G.S. 105-77). Every person engaged in the business of operating a warehouse for the sale of leaf tobacco upon commission, for each warehouse, per annum  
.....\$50.00

(214) **Tree surgeons or service, or related business**, per annum .....\$40.00

(215) **Reserved**.

BUSINESSES

- (216) **Reserved.**
- (217) **Reserved.**
- (218) **Travel agent or agency**, per annum .....\$100.00
- (219) **Trucks** (G.S. 105-89). See Automobile dealers, etc. (§9g.) for tax.
- (220) **Undertakers and coffin retailers** (G.S. 105-46). Every person engaged in the business of making funeral arrangements for and burial of the dead or in the retail sale of coffins (embalmers exempt per G.S. 105-41), per annum .....\$50.00
- (221) **Upholsterers**, per annum .....\$40.00
- (222) **Utilities**. Every private, investor-owned public utility:
  - a. Electric companies, per annum .....\$800.00
  - b. Gas companies, per annum .....\$600.00
- (223) **Vending machines**. See Sundries (§94h.) for tax.
- (224) **Reserved.**
- (225) **Warehouses**. See Cotton warehouses (subsection (51)). Tobacco warehouses (§213) and Storage warehouses (§201) and Merchants tax (§137)) for applicable tax.
- (226) **Weapons** (G.S. 105-80). See Pistols (§167)) for tax.
- (227) **Reserved.**
- (228) **Welders**, per annum .....\$40.00
- (229) **Watch repairers**. See Jewelry and watch repairing (§118) for tax.
- (230) **Reserved.**
- (231) **Wild West shows** (G.S. 105-38). See Circuses, etc. (§41) and Carnivals (§37) for tax.
- (232) **Window washers or janitorial services**. See Janitorial services (§117) for tax.
- (233) **Wrestling or boxing promoter** (G.S. 105-37.1), per annum .....\$20.00
- (234) **Wood yard**, per annum .....\$20.00
- (235) **Yard sales**. May be held without tax, provided items sold are made by or are the personal property of the seller. All zoning laws must be observed.

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Yard sales may not be held on a regular basis; the seller will not be allowed to purchase and resell items. If this occurs the seller will be treated as a peddler or regular merchant and charged accordingly.

The police department must be informed of possible traffic congestion.