

CODE OF GENERAL ORDINANCES

OF THE

**TOWN OF YOUNGSVILLE
NORTH CAROLINA**

**ORDAINED AND PUBLISHED
BY AUTHORITY
OF THE
BOARD OF COMMISSIONERS**

DECEMBER 1952

**RESUBMITTED
APRIL 1999**

**Prepared With the Cooperation
Of The
North Carolina League of Municipalities**

Last Ordinance Update: July 10, 2014

Last Annexation Update: July 31, 2013

STATE OF NORTH CAROLINA

TOWN OF YOUNGSVILLE

In The Year of Our Lord, One Thousand Nine

Hundred and Fifty-Two

AN ORDINANCE

**Revising, Consolidating, Elaborating and
Adding to the Ordinances of the
Town of Youngsville, N.C.**

**The Board of Commissioners of the Town of Youngsville
North Carolina, Do Ordain the foregoing Named Chapters,
Sub-Chapters, Articles, Sub-Divisions, Sections,
Sub-Sections and Paragraphs to be the
Ordinances of the Town of Youngsville, N.C.**

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Mission Statement

The Town of Youngsville is dedicated to enhancing the quality of life for our residents by balancing the preservation of our small town character with the promotion of responsible growth. The collective vision of its residents and businesses is realized through a proactive government that supports quality services, collaboration, innovative leadership and a well-planned future.

Vision Statement

Through a collective community partnership, the Town of Youngsville will seek to improve the quality of life for future generations; protect the health, welfare and safety of its residents through guided growth, innovation, and the efficient use of resources; create a pedestrian friendly downtown with integrated and appealing infrastructure; involve leaders with vision, attentive to the needs of citizens; provide effective and efficient public services; promote policies and programs that encourage public involvement and assure the vitality of the community; deliver consistent enforcement of all ordinances and laws; and respond to the ever changing needs of our community and its residents.

Adopted October 11, 2012

PART I

T H E C H A R T E R

AN ACT TO INCORPORATE THE TOWN OF YOUNGSVILLE, IN THE COUNTY OF FRANKLIN.

Section 1. The General Assembly of North Carolina do enact, That the town of Youngsville, formerly "Pacific", on the Raleigh and Gaston Railroad, in the county of Franklin, be and the same is hereby incorporated by the name and style of the town of Youngsville, and be subject to all the provisions contained in chapter one hundred and eleven of Battle's Revisal, and the acts amending said chapter.

Section 2. That the corporate limits of the said town shall be as follows: Beginning at a point four hundred and forty yards north of where the Raleigh and Gaston Railroad intersects with Main Street, and running east four hundred and forty yards; thence west eight hundred and eighty yards; thence north eight hundred and eighty yards; thence east four hundred and forty yards to the beginning; the intersection of said railroad being the geographical centre.

Section 3. D.W. Spivey, James S. Timberlake, John Young, A.T. Uzzle and Julius A. Clifton are hereby appointed commissioners of said town, to hold their offices until their successors shall be elected as provided in chapter one hundred and eleven of Battle's Revisal, and said commissioners are hereby invested with all the authority conferred upon such officers by the aforesaid chapter of Battle's Revisal.

Section 4. This act shall be in force from and after its ratification.

Ratified the 17th day of March A.D. 1875.

Public Laws of 1874-1875 Chapter 111

1. Amended. Private Laws of 1903 Chapter 320

AN ACT TO PROVIDE A SCHEDULE OF DISCOUNTS AND PENALTIES ON POLL AND PROPERTY TAXES FOR THE TOWNS OF LOUISBURG, BUNN AND YOUNGSVILLE IN FRANKLIN COUNTY, NORTH CAROLINA

The General Assembly of North Carolina does enact:

Section 1. In lieu of the schedule of penalties and discounts provided by Section one thousand four hundred and three of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, the penalties and discounts on poll and property taxes assessed or levied by the Towns of Louisburg, Bunn and Youngsville, in Franklin County, North Carolina, shall be as provided in this Act.

Section 2. All taxes assessed or levied under Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, as amended, by the Towns of Louisburg, Bunn and Youngsville shall be due and payable on the first Monday of October of the year in which they are assessed or levied.

Section 3. If such taxes are actually paid in cash the taxpayer shall be entitled to the following discounts:

(a) If taxes are paid on or before July first of the year in which they become due and payable, or at any time during the months of August, September and October of the year in which they become due and payable, there shall be deducted a discount of two per cent of the amount of such taxes.

(b) If such taxes are paid at any time during the month of November of the year in which they become due and payable, there shall be deducted a discount of one per cent of the amount of such taxes.

Section 4. After the thirtieth day of November and on or before the first day of February next after they become due and payable, taxes assessed or levied by the Towns of Louisburg, Bunn and Youngsville shall be paid at par or face value.

Section 5. There shall be added to taxes assessed or levied by the Towns of Louisburg, Bunn and Youngsville which are not paid until after February first, next after they become due and payable, a penalty of one per cent of the amount of such taxes for each month or fraction of month after said date of February first in which such taxes remain unpaid until the amount of such penalties shall aggregate six per cent. Thereafter, in addition to the penalties stated above, a penalty of one half of one per cent of the principal amount of such taxes shall be added each month or fraction of month until such taxes are paid, which shall continue to accrue on taxes not included in a certificate of sale and which, on taxes included in a certificate of sale, shall continue to accrue until the date of such certificate.

Section 6. In lieu of the interest rate provided by Section one thousand seven hundred and sixteen of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, tax sale certificates issued to purchasers of tax liens for poll and property taxes assessed or levied by the Towns of Louisburg, Bunn and Youngsville shall bear interest from the date of such certificates at the rate of six per cent per annum on so much of the purchase price of such tax sales certificates as represents the amount of taxes, penalties to the date of sale, and the cost of advertising and sale.

Section 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 8. This Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, 1943.

AN ORDINANCE DEFINING THE BOUNDARIES OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF YOUNGSVILLE ACCORDING TO AND AS AUTHORIZED BY ARTICLE 19, CHAPTER 160A OF THE NORTH CAROLINA GENERAL STATUTES

WHEREAS, the Board of Commissioners of the Town, after due notice, conducted a public hearing on the 10th day of July, 1984 and due to lack of quorum, continued the public hearing to the 6th day of August, 1984, concerning the adoption of an ordinance defining the boundaries of the Town's extraterritorial jurisdiction pursuant to G.S. 160A-360; and,

WHEREAS, the Board of Commissioners deems it to be in the best interest of the Town to enact such a boundary ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville that:

Section 1. The boundaries of the extraterritorial jurisdiction of the Town of Youngsville, according to and as authorized by Article 19, Chapter 160A of the North Carolina Statutes, extend to distances not exceeding one mile from the corporate limits of the Town of Youngsville as shown on map titled "Official Extraterritorial Boundary Map of the Town of Youngsville, North Carolina", such map being made an integral part of this ordinance.

Section 2. This ordinance shall become effective on the date and hour a copy hereof is recorded in the Register of Deeds Offices of Franklin County.

This, the 6th day of August, 1984.

Lynwood D. Buffaloe, Mayor

ATTEST:

(Signature)

Elizabeth G. Sink, Town Clerk

AMENDMENT TO THE ORDINANCE DEFINING THE BOUNDARIES OF THE
EXTRATERRITORIAL JURISDICTION OF THE TOWN OF YOUNGSVILLE ACCORDING
TO AND AS AUTHORIZED BY ARTICLE 19, CHAPTER 160A
OF THE NORTH CAROLINA GENERAL STATUTES

WHEREAS, The Board of Commissioners of the Town of Youngsville, after due notice, conducted a public hearing on the 4th day of September, 1984, concerning the amendment (pursuant to G.S. 160A-364) of the “Ordinance Defining the Boundaries of the Extraterritorial Jurisdiction of the Town of Youngsville”, adopted August 6, 1984; and

WHEREAS, the Board of Commissioners deemed it to be in the best interest of the Town to enact such a boundary, now deem it necessary to more specifically define the boundaries to the extent feasible, in terms of geographical features identifiable on the ground rather than by the arc method, pursuant to G.S. 160A-360.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville that:

Section 1. The boundaries of the extraterritorial jurisdiction of the Town of Youngsville, according to and as authorized by Article 19, Chapter 160A of the North Carolina General Statutes, extend to distances not exceeding one mile from the corporate limits of the Town of Youngsville as shown on map titled “Official Extraterritorial Boundary Map of the Town of Youngsville, North Carolina”, such map being made an integral part of this ordinance.

Section 2. This Amended Ordinance shall become effective on the date and hour a copy hereof is recorded in the Register of Deeds Office of Franklin County.

Adopted this, the 4th day of September, 1984.

Lynwood D. Buffaloe, Mayor

ATTEST:

Elizabeth G. Sink, Town Clerk

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF YOUNGSVILLE TO
PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE TOWN
OF YOUNGSVILLE**

The General Assembly of North Carolina does enact:

Section 1. That the corporate limits of the Town of Youngsville may be hereby extended to include that area between the present corporate limits of said town and a line described as follows:

Beginning at a point in the existing town limits of said town and extending in every direction from the present and existing town limits one-eighth (1/8) of a mile.

Section 2. That the Town Commissioners of the Town of Youngsville shall, in their discretion, call an election to be held on the same day of the general election for the election of officers in the Town of Youngsville for the year one thousand nine hundred thirty-nine, to determine whether or not such territory shall be annexed to said Town of Youngsville.

Section 3. That such election shall be called by resolution of the Board of Town Commissioners of the Town of Youngsville which shall:

(a) Describe the territory proposed to be annexed to the said Town of Youngsville as set out in Section one hereof,

(b) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of the said Town of Youngsville and of the territory proposed to be annexed, voting together,

(c) Provide for a special registration of voters in both the Town of Youngsville and in the territory proposed to be annexed for said election,

(d) Designate the voting place for such election,

(e) Name the registrars and judges of such election,

(f) And make all other necessary provisions for the holding and conducting of such election, the canvassing of the returns and the declaration of the result of such election; and said resolution shall be posted at the mayor's office in the Town of Youngsville and at five (5) other public places in the Town of Youngsville and/or in the territory proposed to be annexed, at least twenty (20) days prior to said election.

Section 4. That at such election those qualified voters who present themselves to the election officials at the voting place shall be furnished with ballots upon which shall be written or printed the words "For Extension" and "Against Extension." If at such election a majority of the votes cast shall be "For Extension," then from and after the date of the declaration of the result of such election the territory described in Section one hereof and its citizens and property shall be subject to all the laws, ordinances and regulations in force in the Town of Youngsville and shall be entitled to the same privileges and benefits as other parts of said Town of Youngsville.

Section 5. That if the result of said election be declared "For Extension," then from and after the date of such declaration by the Board of Commissioners of the Town of Youngsville those residents of the area described in Section one hereof who may otherwise qualify according to law shall be deemed to be qualified voters in the regular municipal primary and election to be held as by law provided; and shall be entitled to vote in and/or be candidates for office in the regular municipal primary and election thereafter held, and shall be eligible to hold office in the Town of Youngsville.

Section 6. That the Commissioners of the Town of Youngsville shall meet and declare the result of the election herein provided for, based upon the returns of the registrars and judges of election, at such time as is now prescribed for the declaration of the result of the general municipal election of the Town of Youngsville.

Section 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 8. That this Act shall be in full force and effect from and after its ratification.
In the General Assembly read three times and ratified, this the 30th day of March, 1939.

Public Local and Private laws Extra Session 1938, Regular Session 1939; Chapter 401.

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF YOUNGSVILLE, NORTH CAROLINA**

WHEREAS, the Board of Commissioners of the Town of Youngsville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners of the Town of Youngsville has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Youngsville Town Hall at 7:00 o'clock p.m. on the 10th day of November, 1988, after due notice by publication on the 27th day of October 1988; and

WHEREAS, the Board of Commissioners does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Youngsville as of the 10th day of November, 1988.

BEGINNING at a point where the north town limits intersects the east property line of the east property line of the subject property, said point being in the west margin of College Street; thence along the west margin of College Street N. 00 deg. 25' 56" W. 182.62' to a point; thence along the line of Charles M. Carr S 87 deg. 49' 47" W. 359.12; to an existing iron; corner for Carr in the R.W of Old Hillsboro Street; thence along the east R/W of Old Hillsboro Street, S. 05 deg. 13' 56" E. 186.45: to a point where the north town limits intersects the east boundary of Old Hillsboro Street; thence along the north town limits N. 87 deg. 13' 19" E. 343.64 feet to the point of BEGINNING and containing 1.487 acres, more or less. This parcel represents that portion of the Richard Neil Holden property (as recorded in Deed Book 897, Page 555) which lies outside the existing town limits. Additional area to be annexed is the 35' Right-of-Way of Old Hillsboro Street abutting the west boundary of above describe portion of the Richard Neil Holden property.

Section 2. Upon and after the 10th day of November, 1988, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Youngsville and shall be entitled to the same privileges and benefits as other parts of the Town of Youngsville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Youngsville shall cause to be recorded in the office of the Register of Deeds of Franklin County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance. Such map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 10th day of November, 1988.

ATTEST:

Deborah G. Pearce

Deborah G. Pearce, Town Clerk

Lynwood Buffaloe

Lynwood D. Buffaloe, Mayor

APPROVED AS TO FORM:

Michael K. Perry

Michael K. Perry, Town Attorney

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF YOUNGSVILLE, NORTH CAROLINA**

WHEREAS, the Board of Commissioners of the Town of Youngsville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners of the Town of Youngsville has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Youngsville Town Hall at 7:00 o'clock p.m. on the 12th day of April, 1990, after due notice by publication on the 28th day of March 1990; and

WHEREAS, the Board of Commissioners does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Youngsville as of the 12th day of April, 1990.

BEGINNING at an iron pipe in the western right of way line of U.S. Highway 1-A, said iron pipe having N.C. Grid Coordinates Y=827,339.83 and X=2,152,609.32; thence running along the western right of way line of U.S. Highway 1-A the following: South 36 degrees 29 minutes 10 seconds West, a distance of 116.00 feet to an iron pipe; thence running South 29 degrees 29 minutes 16 seconds West, a distance of 115.00 feet to an iron pipe; thence running South 27 degrees 32 minutes 55 seconds West, a distance of 103.72 feet to an iron pipe; thence running South 27 degrees 19 minutes 00 seconds West, a distance of 400.09 feet to an iron pipe; thence running along the center line of a very old roadbed the following: South 87 degrees 35 minutes 16 seconds West, a distance of 66.75 feet to an iron pipe; thence running South 87 degrees 35 minutes 16 seconds West, a distance of 93.53 feet to an iron pipe; thence running North 80 degrees 38 minutes 14 seconds West, a distance of 91.38 feet to an iron pipe; thence running North 88 degrees 27 minutes 43 seconds West, a distance of 53.51 feet to an iron pipe; thence running South 73 degrees 11 minutes 52 seconds West, a distance of 183.52 feet to an iron pipe; thence running South 82 degrees 19 minutes 31 seconds West, a distance of 118.56 feet to an iron pipe; thence running South 78 degrees 23 minutes 02 seconds West, a distance of 62.73 feet to an iron pipe; thence running South 77 degrees 54 minutes 58 seconds West, a distance of 72.64 feet to an iron pipe; thence running South 87 degrees 34 minutes 47 seconds West, a distance of 156.43 feet to an iron pipe; thence running South 85 degrees 09 minutes 43 seconds West, a distance of 96.30 feet to an iron pipe; thence running North 86 degrees 52 minutes 57 seconds West, a distance of 85.36 feet to an iron pipe; thence running North 80 degrees 39 minutes 21 seconds West, a distance of 58.30 feet to an iron pipe; thence running North 64 degrees 33 minutes 44 seconds West, a distance of 87.90 feet to an iron pipe; thence running North 72 degrees 19 minutes 01 seconds West, a distance of 57.18 feet to an iron pipe; thence running South 83 degrees 57 minutes 44 seconds West, a distance of 62.51 feet to an iron pipe; thence running North 78 degrees 12 minutes 17 seconds West, a distance of 43.54 feet to a stone at fence corner, said stone at fence corner having N.C. Grid Coordinates Y=826,668.69 and X=2,150,889.07; thence running along the line of Strickland North 00 degrees 10 minutes 06 seconds West, a distance of 950.47 feet to a PK nail in the center line of North Carolina State

Road 1147; thence running along the center line of North Carolina State Road 1147 North 84 degrees 03 minutes 41 seconds East, a distance of 1,276.22 feet to a PK nail; thence running along the line of Town of Youngsville South 47 degrees 02 minutes 58 seconds East, a distance of 153.00 feet to an iron pipe; and thence running South 48 degrees 02 minutes 58 seconds East, a distance of 459.42 feet to the point and place of the BEGINNING; containing 36.281 acres.

Section 2. Upon and after the 12th day of April, 1990, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Youngsville and shall be entitled to the same privileges and benefits as other parts of the Town of Youngsville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Youngsville shall cause to be recorded in the office of the Register of Deeds of Franklin County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance. Such map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 12th day of April, 1990.

ATTEST:

Deborah G. Pearce

Deborah G. Pearce, Town Clerk

Lynwood Buffaloe

Lynwood D. Buffaloe, Mayor

APPROVED AS TO FORM:

Michael K. Perry

Michael K. Perry, Town Attorney

ORDINANCE CERTIFICATION

I, Deborah G. Pearce, Clerk to the Board of Commissioners of the Town of Youngsville, North Carolina, hereby certify that the attached is a true and accurate copy of the ordinance adopted by the Board of Commissioners at a meeting held the 12th day of April, 1990.

Witness my hand and the official seal of the Town of Youngsville this 18th day of April, 1990.

Deborah G. Pearce

Deborah G. Pearce, Town Clerk

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF YOUNGSVILLE, NORTH CAROLINA**

WHEREAS, the Board of Commissioners of the Town of Youngsville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners of the Town of Youngsville has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Youngsville Town Hall at 7:00 o'clock p.m. on the 10th day of June, 1993; and

WHEREAS, the Board of Commissioners of the Town of Youngsville further finds that the area described therein meets the standards of G.S. 160A-58.1(b) to wit:

a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town,

b. No point on the proposed satellite corporate limits is closer to another city than to the Town,

c. The area described is so situated that the Town will be able to provide services on the same basis within the proposed satellite corporate limits that it provides within the primary corporate limits,

d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation,

e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed then percent (10%) of the area within the primary corporate limits of the Town; and

WHEREAS, the Town of Youngsville does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and all other requirements of G.S. 160A-58.1, as amended;

WHEREAS, the Town of Youngsville further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described herein;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the Town of Youngsville, as of the 10th day of June, 1993.

BEGINNING at a NIP located at North Carolina Geodetic Survey N=832,110.8373; E=2,152,190.9122; lying in the western right-of-way line of US Highway 1A, being also the southeastern corner of Lot 1, Plat File 3, Slide 93-38, Franklin County Registry; running thence South 67 degrees 44" 16' West a distance of 215.95 feet to a NIP; running thence North 52 degrees 40"00' West a distance of 217.40 feet to a NIP; running thence South 37 degrees 20"27' West a distance of 217.66 feet to a NIP; running thence along a curve to the left, having a radius of 25 feet, a distance of 39.26 feet to a NIP in the eastern right-of-way of NC Highway 96, said curve having a chord South 07 degrees 39"33' East and a length of 35.35 feet; running thence North 52 degrees 39"33' West a distance of 110 feet to a NIP; running thence along a curve to the left, having a radius of 25 feet, a distance of 39.26 feet to a NIP, said curve having a chord North 82 degrees 20"27' East and a length of 35.35 feet; running thence North 37 degrees 20" 27' East a distance of 217.65 feet to a NIP; running thence North 52 degrees 40"00' West a distance of 267-35 feet to a NIP; running thence North 01 degree 10"29' East a distance of 430.00 feet to

a NIP; continuing thence North 01 degree 10"29' East a distance of 480.35 feet to a NIP; running thence North 70 degrees 57"15' East a distance of 315.67 feet to a NIP located in the western right-of-way line of US Highway 1A; running thence South 19 degrees 62"20' East a distance of 211.38 feet to a NIP; running thence along a curve to the right following the western right-of-way line of US Highway 1A; running thence South 19 degrees 60"53' East and a length of 364.74 feet to a NIP, said curve having a chord South 16 degrees 16"53' East and a length of 364.59 feet; continuing thence along a curve to the right following the right-of-way line of US Highway 1A, having a radius of 3789.32 feet, a distance of 150.31 feet to a NIP in the right-of-way line of US Highway 1A, said curve having a chord South 12 degrees 23"15" East and length of 150.30 feet; running thence South 11 degrees 15"04' East a distance of 229.69 feet to a NIP; continuing thence South 11 degrees 15"04' East a distance of 110 feet to a NIP; running thence South 11 degrees 15"03' East a distance of 236.37 feet to the point and place of beginning, containing 13.435 acres, and being all of Lots 1,2,3,4, and Wheaton Way (extended) of Franklin Park Industrial Center Phase III, as shown on Plat File 3, Slide 93-38, as recorded in the Franklin County Registry.

Section 2. Upon and after the 10th day of June, 1993, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Youngsville and shall be entitled to the same privileges and benefits as other parts of the Town of Youngsville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Youngsville shall cause to be recorded in the office of the Register of Deeds of Franklin County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Adopted this 10th day of June, 1993.

ATTEST:

Deborah G. Pearce

Deborah G. Pearce, Town Clerk

Lynwood Buffaloe

Lynwood D. Buffaloe, Mayor

APPROVED AS TO FORM:

Michael K. Perry

Michael K. Perry, Town Attorney

Annexations

- May 11, 1995 - # 1 - N. College St. and N. Hillsboro St. (Effective 6/30/1995)
- May 11, 1995 - # 2 - S. Cross St. and Tom Williams Rd. (Effective 6/30/1995)
- October 31, 1996 - Franklin Park Industrial Center, 5 residential lots (Effective 4/1/1999)
- December 12, 1996 - Youngsville/Wake Forest MHP (Effective 12/12/1996)
- July 10, 1997 - Corpening – Library (Effective 7/10/1997)
- February 10, 2000 - Morris J. Hurt, Hampton Village (Effective 2/29/2000)
- February 8, 2001 – Marcus J. Hurt, Hampton Village 2 lots (Effective 2/28/2001)
- February 14, 2002 - F.C. Winston - 4 lots (Effective 2/28/2002)
- January 9, 2003 - Tommy & Jessie Preddy (Effective 1/31/2003)
- January 9, 2003 - Tommy & Jessie Preddy (Effective 1/31/2003)
- May 13, 2004 - Patterson Woods (Effective 5/31/2004)
- May 12, 2005 - James T. Moss, Jr. (Dollar General) (Effective 5/30/2005)
- February 9, 2006 - Carolyn Underwood (Effective 2/28/2006)
- February 9, 2006 - James T. Moss Jr. (Effective 2/28/2006)
- June 8, 2006 – MC Associates (Anderson Park) (Effective 6/30/2006)
- July 13, 2006 – James W Murphy (Sheetz) (Effective 7/31/2006)

September 14, 2006 – Jesse Preddy, Henry T Preddy, and Loletta Y Preddy
(Effective 9/30/2006)

October 12, 2006 – Richard N Holden (Effective 10/31/2006)

October 12, 2006 – Four Winds Development (Ballantyne) (Effective 10/31/2006)

February 8, 2007 – Corpening (Patterson Woods Phase 3 & 4) (Effective 2/28/2007)

June 14, 2007 – Youngsville Crossing Shopping Center (Effective 11/30/2007)

July 21, 2007 – Faith Baptist Church (Effective 7/31/2007)

September 13, 2007 – Thomas Lundquist (Effective 9/30/2007)

September 13, 2007 – Patterson Woods (Chipping Sparrow Ct) (Effective 9/30/2007)

April 10, 2008 – Four Winds Development (Frazier Lot) (Effective 4/30/2008)

November 13, 2008 – Union Bank & Trust (Effective 1/1/2009)

June 11, 2009 – John Raymond Hill, Jr. (Effective 6/30/2009)

October 8, 2009 – John Raymond Hill, Jr. (Effective 10/31/2009)

February 14, 2013 – 5 properties on Black Swan Drive in East Woods of Patterson
(Effective 2/28/2013)

July 11, 2013 – Dr. A.N. Corpening, East Woods of Patterson, Phase 5
(Effective 7/31/2013)

**AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF YOUNGSVILLE
IMPLEMENTING FOUR YEAR STAGGERED TERMS FOR THE MEMBERS OF THE
TOWN BOARD OF COMMISSIONERS**

WHEREAS, pursuant to G.S. 160A-101,160-102, the Town Commissioners of the Town of Youngsville may adopt an ordinance to amend the Charter of the town to implement any of the optional forms set out in G.S. 160A and 101, now

THEREFORE BE IT RESOLVED by the Town Board of Commissioners of the Town of Youngsville,

1. That the Town Commissioners hereby adopt an ordinance on the first day of December 1975, amending the Town Charter, implementing four-year staggered terms for members of the Town Board of Commissioners. This ordinance provides that

Regular municipal elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections. In the 1977 municipal election and biennially thereafter there shall be elected a Mayor for a term of two years.

In the 1977 regular municipal election, two commissioners shall be elected to serve terms of two years each. In the 1977 regular municipal election and quadrennially thereafter, three commissioners shall be elected to serve terms of four years each.

In the 1977 municipal the three members elected with the highest total of votes shall serve four-year terms on the Town Board of Commissioners. The remaining two members elected in the 1977 election shall serve two-year terms on the Town Board of Commissioners.

In the 1979 regular municipal election and quadrennially thereafter, two commissioners shall be elected to serve terms of four years each.

2. That the Town Clerk is directed to have published in a newspaper having general circulation within the county, a proper notice that the ordinance has been adopted.

Adopted this first day of December 1975.

Motion to adopt ordinance was made by Commissioner J.T. Allen, seconded by W.H. Green and carried unanimously.

Wiley M. Roberts, Mayor

Elizabeth P. Cheatham
Elizabeth P. Cheatham
Town Clerk

CHAPTER 1

GENERAL ADMINISTRATION & ORGANIZATION

LEGISLATIVE

1.001 REGULAR MEETINGS. The regular meeting of the Mayor and Board of Commissioners of the Town of Youngsville shall be held on the second Thursday of each month, at seven o'clock P.M., at the Town Hall unless otherwise designated by the Board.

1.002 SPECIAL MEETINGS. Special meetings of the Board may be held, after twenty-four hours notice, upon the call of the Mayor or upon the request in writing of any two members of the Board of Commissioners. Notice of the time and purpose of said special meetings shall be posted at the Town Hall, and due notice shall be given to the Mayor and Board of Commissioners of the time and purposes of such meetings.

1.003 QUORUM. A majority of the members of the Board of Commissioners shall constitute a quorum and no official business of the Town shall be transacted by the Board unless a quorum is present.

1.004 MINUTES. It shall be the duty of the clerk to be present at all meetings of the said Town Board, to keep in a book provided for that purpose a record of all the proceedings of the Board.

1.005 MAYOR TO PRESIDE. The Mayor shall preside at all meetings of the Board and in his absence the Mayor Pro Tempore shall preside.

1.006 MAYOR NOT TO VOTE. The Mayor shall not vote on any question before the Board except in the case of a tie vote dead locking a decision of the Board of Commissioners.

1.007 COMMITTEES. The Mayor and Commissioners may create such committees of the Board for special purpose as they deem best.

1.008 BOARDS AND COMMISSIONS. The Town of Youngsville Board of Commissioners believes that the community is best served when there is a diverse representation of volunteer citizens on the Towns Boards and Commissions. Many opportunities exist for citizens to become more involved with issues that affect our community. The Board solicits applications for Boards and Commissions as vacancies occur.

Applications for serving are posted for all potential vacancies: however, selection will not be made until the expiration of the seat. All applications will be kept on file for one (1) year. Those wishing for reappointment must also complete an application.

Applications for potential vacancies will be reviewed by the Town Administrator and the Town Board of Commissioners. The Town Board of Commissioners will select the New Representative from the qualified applicants.

Youngsville residency is required for four (4) of the Planning Board Members. It is preferable that any other Board or Commission member reside in the Youngsville area to be considered for any Board or Commission vacancies.

- A. The Planning Board shall consist of seven (7 members), four (4) need to be Youngsville residents appointed by the Youngsville Board of Commissioners and three (3) extraterritorial jurisdiction (ETJ) members appointed by the Franklin County Board of Commissioners at the request of the town board. Each member shall serve a term of three (3) years

Adopted this 10th day of April, 2014.

ORDINANCES

1.101 EFFECTIVE DATE. All ordinances shall be effective after the ratification thereof except ordinances specifying some other effective date or ordinances required by state law to be effective only after having met specific date requirements.

1.102 ORDINANCES CONFINED TO ONE SUBJECT. All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to the subject of appropriations only.

1.103 OFFICIAL COPY. A true copy of an ordinance which has been duly enacted by the Board, signed by the Mayor, and attested to by the Clerk shall be known as an official copy of any ordinance for the Town. All ordinances or a true copy thereof shall be inserted in this code in the proper chapter.

OFFICERS AND EMPLOYEES

1.201 OFFICE OF MAYOR. It shall be the duty of the Mayor to cause all ordinances of the Town to be enforced, to attend and preside over all meetings of the Board. It shall further be the duty of the Mayor to within thirty days after the close of each year to require a report to the Board of Commissioners from the various departments of the town government for the previous year and recommend such adjustments as he may see fit, and the Mayor shall perform much other duties as the Board may from time to time require. The Mayor shall be the chief executive officer of the Town.

1.201.1 MAYOR PRO-TEM. The Mayor Pro-tem shall be appointed by the Board of Commissioners and shall preside over meetings in the absence of the Mayor. The Mayor Pro-tem shall be elected to a four year term that coincides with the election of the Mayor, re-electing another Mayor Pro-tem should the current one lose their place on the Board after only two years to carry out that term until the next Mayoral election in two years.

1.202 OFFICE OF CLERK-TREASURER.

(1) The Clerk and Treasurer shall attend all meetings of the Board of Commissioners and shall regularly and fairly record all of their proceedings in a book to be kept by him for that purpose. He shall also keep a well bound book to be styled the Code of Ordinances, in which he shall fairly and correctly transcribe all ordinances which are enacted by the Board of Commissioners.

(2) It shall be the duty of the clerk to keep true, accurate and just books of accounts of the dealings and transactions of the Town, which books shall show at all times the true condition of the said Town, its resources and liabilities and the disposition and use of the monies coming under the control of the Town.

(3) The Clerk-Treasurer shall keep or cause to be kept in a safe place all monies, records, and accounts.

(4) The Clerk-Treasurer shall disburse funds for the various purposes of the Town only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the Board of Commissioners.

(5) The Clerk-Treasurer shall perform such other duties as the Board may from time to time require.

1.203 OTHER OFFICERS AND EMPLOYEES. Such other officers and employees that are deemed necessary shall be appointed by the Board of Commissioners. All officers and employees shall serve at the pleasure of the Board and receive such compensation as from time to time may be prescribed by the Board.

1.204 EMPLOYEES' BONDS. The Clerk-Treasurer and other officers or employees required by the Board shall, before entering upon their duties, post bond in amounts specified by the Board. All bond premiums shall be paid from town funds. Provided, that when two offices are combined, such as Clerk and Treasurer, only one bond shall be required unless otherwise specified by the Local Government Commission.

FINANCE-PURCHASING

1.301 DISBURSEMENT OF FUNDS. No money shall be disbursed from the Town treasury except on order of the Board in session and then only if the item for which the disbursement is made has been provided for in the annual budget except in the case of an extreme emergency, which only the Mayor can declare what constitutes an emergency.

1.302 PURCHASING.

(1) Before any order is given for items to be paid by the Town or any purchase made by any town employee, a purchase order must first be obtained from the Finance Officer.

(2) The Finance Officer may issue the purchase order only when such purchase has been approved by the Board.

(3) Any town employee purchasing goods without a purchase order from the Finance Officer will be held responsible for the cost of same.

1.303.1 TOWN OF YOUNGSVILLE BOARD OF COMMISSIONERS AMENDMENT TO CAPITAL RESERVE ORDINANCE

BE IT ORDAINED by the Youngsville Town Board of Commissioners that the following amendment be made to the Capital Reserve Fund that was adopted December 5, 1983:

Section 1. The Board of Commissioners hereby amends the resolution of the Capital Reserve Fund which was created for the purpose of Water and Sewer Capital Outlay.

Section 2. The Capital Reserve Fund will have a beginning date of March 6, 1984.

Section 3. The 1/2% Local Option Sales Tax will serve as sources of revenue for the Capital Reserve Fund as follows:

An amount equivalent to 100% of the 1/2% Local Option Sales Tax received by the Town for the next ten (10) years (beginning March 6, 1984 and

ending June 30, 1994).

Upon motion of Commissioners J.T. Allen and seconded by Commissioner L.A. Woodlief, the foregoing Ordinance was passed by the following vote:

Ayes: Commissioner J.T. Allen
Commissioner N.A. Brown
Commissioner D.H. Cyrus, Sr.
Commissioner R.N. Strickland
Commissioner L.A. Woodlief

Noes: None

Lynwood D. Buffaloe, Mayor

I, Elizabeth G. Sink, Clerk of the Youngsville Town Board of Commissioners of Youngsville, North Carolina, do hereby certify that the foregoing Ordinance was duly adopted by the governing body of the Town of Youngsville at a regular meeting thereof, a quorum being present.

The 5th day of March, 1984.

Elizabeth G. Sink, Clerk

**1.303.2 TOWN BOARD OF COMMISSIONERS
TOWN OF YOUNGSVILLE
CAPITAL RESERVE ORDINANCE**

BE IT ORDAINED by the Town Board of Commissioners of the Town of Youngsville, North Carolina that the following Capital Reserve Fund is hereby established:

Section 1. The Board of Commissioners hereby creates a Capital Reserve Fund for the purpose of purchasing a police car and /or other capital properties.

Section 2. The Town Board of Commissioners will make appropriations from this fund to finance capital projects.

Section 3. The source of Revenue will be appropriated by the Town Board of Commissioners.

Section 4. This Ordinance shall become effective upon its adoption.

Upon motion of Commissioner L.A. Woodlief, seconded by Commissioner J.T. Allen, the foregoing Ordinance was passed by the following vote:

Ayes: Commissioner J.T. Allen
Commissioner N.A. Brown
Commissioner D.H. Cyrus, Sr.
Commissioner R.N. Strickland
Commissioner L.A. Woodlief

Noes: None

Lynwood D. Buffaloe, Mayor

I, Elizabeth G. Sink, Clerk of the Youngsville Town Board of Commissioners of Youngsville, North Carolina, do hereby certify that the foregoing Ordinance was duly adopted by the governing body of the Town of Youngsville at a regular meeting thereof, a quorum being present.

The 4th day of June, 1984.

Elizabeth G. Sink, Clerk

1.303.3 AMENDMENT TO CAPITAL RESERVE #1 ORDINANCE

WHEREAS, the Board of Commissioners of the Town of Youngsville adopted a Water & Sewer Capital Reserve Ordinance on December 5, 1983; and

WHEREAS, the statutory requirement set by the North Carolina General Assembly was 40% of the 1/2% Local Option Sales Tax to this Reserve Fund; and

WHEREAS, the Board of Commissioners deems it necessary to amend this ordinance to finance the substantial repairs made to busted water lines;

NOW, THEREFORE, BE IT ORDAINED by the board of Commissioners of the Town of Youngsville, N.C.:

The amount of \$5,202.00 will be used to finance the repair of busted water lines on West Pine, Cross and Nassau Streets which occurred in December 1989 and January 1990.

Adopted this 8th day of February, 1990.

Lynwood D. Buffaloe, Mayor

ATTEST:

Deborah G. Pearce, Town Clerk

1.303.4 AMENDMENT TO CAPITAL RESERVE #1 ORDINANCE

WHEREAS, the Board of Commissioners of the Town of Youngsville adopted a Water & Sewer Capital Reserve Ordinance on December 5, 1983; and

WHEREAS, the statutory requirement set by the North Carolina General Assembly was 40% of the 1/2% Local Option Sales Tax to this Reserve Fund; and

WHEREAS, the Board of Commissioners of the Town of Youngsville voted to appropriate 100% of the 1/2% Local Option Sales Tax to this Reserve Fund; and

WHEREAS, the Board of Commissioners deems it necessary to amend this ordinance to finance the repairs made to the three pumps used in the Nassau Street pumping station;

NOW, THEREFORE, BE IT ORDAINED by the board of Commissioners of the Town of Youngsville, N.C.:

The amount of \$2,465.00 will be used to finance the repairs made on the three pumps used in the Nassau Street pumping station damaged in February 1990.

Adopted this 30th day of March, 1990.

Lynwood D. Buffaloe, Mayor

ATTEST:

Deborah G. Pearce, Town Clerk

1.303.5 AMENDMENT TO CAPITAL RESERVE #1 ORDINANCE

WHEREAS, the Board of Commissioners of the Town of Youngsville adopted a Water & Sewer Capital Reserve Ordinance on December 5, 1983; and

WHEREAS, the statutory requirement set by the North Carolina General Assembly was 40% of the 1/2% Local Option Sales Tax; and

WHEREAS, the Board of Commissioners of the Town of Youngsville voted to appropriate 100% of the 1/2% Local Option Sales Tax to this Reserve Fund; and

WHEREAS, due to the increased costs of providing services to the citizens of the Town of Youngsville without the revenues to meet these costs, the Board of Commissioners of the Town of Youngsville deems it necessary to amend this ordinance to finance these increased costs;

NOW, THEREFORE, BE IT ORDAINED by the board of Commissioners of the Town of Youngsville, N.C.:

The amount of \$9,000.00 will be transferred to the operating funds of the Town; \$7,642.31 to the General Fund and \$1,357.69 to the Water and Sewer Fund.

Adopted this 14th day of February, 1991.

Lynwood D. Buffaloe, Mayor

ATTEST:

Deborah G. Pearce, Town Clerk

1.303.6 AMENDMENT TO CAPITAL RESERVE #1 ORDINANCE

WHEREAS, the Board of Commissioners of the Town of Youngsville adopted a Water & Sewer Capital Reserve Ordinance on December 5, 1983; and

WHEREAS, the statutory requirement set by the North Carolina General Assembly was 40% of the 1/2% Local Option Sales Tax; and

WHEREAS, the Board of Commissioners of the Town of Youngsville voted to appropriate 100% of the 1/2% Local Option Sales Tax to this Reserve Fund; and

WHEREAS, at July 1, 1991, the State of North Carolina had not adopted a budget for the current fiscal year, nor appropriated any revenues to the local government units of the state;

WHEREAS, the Town of Youngsville adopted an interim appropriation budget until such revenues are known;

NOW, THEREFORE, BE IT ORDAINED by the board of Commissioners of the Town of Youngsville that \$12,000.00 will be transferred from the Capital Reserve Fund to the General Fund checking account to meet operating expenses until such time that this money is available to be repaid.

Adopted this 11th day of July, 1991.

Lynwood D. Buffaloe, Mayor

ATTEST:

Deborah G. Pearce, Town Clerk

1.303.7 AMENDMENT TO CAPITAL RESERVE #1 ORDINANCE

WHEREAS, the Board of Commissioners of the Town of Youngsville adopted a Water & Sewer Capital Reserve Ordinance on December 5, 1983; and

WHEREAS, the statutory requirement set by the North Carolina General Assembly was 40% of the 1/2% Local Option Sales Tax; and

WHEREAS, the Board of Commissioners of the Town of Youngsville voted to appropriate 100% of the 1/2% Local Option Sales Tax to this Reserve Fund; and

WHEREAS, at July 1, 1991, the State of North Carolina had not adopted a budget for the current fiscal year, nor appropriated any revenues to the local government units of the state;

WHEREAS, the Town of Youngsville adopted an interim appropriation budget until such revenues are known;

NOW, THEREFORE, BE IT ORDAINED by the board of Commissioners of the Town of Youngsville that \$12,000.00 will be transferred from the Capital Reserve Fund to the General Fund checking account to meet operating expenses until such time that this money is available to be repaid.

Adopted this 8th day of August, 1991.

Lynwood D. Buffaloe, Mayor

ATTEST:

Deborah G. Pearce, Town Clerk

1.304 WATER AND SEWER BONDS

Youngsville, North Carolina
January 18, 1940

An adjourned regular meeting of the Board of Commissioners of the Town of Youngsville, North Carolina, was held at the Mayor's Office, the regular place of meeting, at 7 o'clock, p.m. on January 18, 1940.

Present: Mayor Croom and Commissioners J.L. Brown, J.W. Weathers, W.T. Moss, B.H. Patterson and E.M. Mitchell.

Absent: none

Commissioner J.L. Brown introduced the following two bond ordinances which were read and are as follows:

AN ORDINANCE AUTHORIZING \$16,000 WATER BONDS.

BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville:

Section 1. That the Town of Youngsville issue its bonds pursuant to the Municipal Finance Act, as amended, in an amount not exceeding \$16,000 for the purpose of constructing a waterworks system for said Town.

Section 2. That a tax sufficient to pay the principal and interest of said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the Town has been filed with the Clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the Town at an election as provided by law.

AN ORDINANCE AUTHORIZING \$12,000 SANITARY SEWER BONDS.

BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville:

Section 1. That the Town of Youngsville issue its bonds pursuant to the Municipal Finance Act, as amended, in an amount not exceeding \$12,000 for the purpose of constructing a sanitary sewer system for said Town.

Section 2. That a tax sufficient to pay the principal and interest of said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the Town has been filed with the Clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the Town at an election as provided by law.

And thereupon Commissioner J.W. Weathers introduced and moved the adoption of the following resolution:

WHEREAS, there have been introduced and there are now pending before this Board two bond ordinances; now, therefore,

BE IT RESOLVED by the Board of Commissioners of the Town of Youngsville that the Town Clerk be and he is hereby designated as the officer who should make and file with the clerk a sworn statement of the indebtedness of said Town before the passage of the bond ordinances now pending.

Commissioner W.T. Moss seconded the motion to adopt the foregoing resolution.

After discussion, said resolution was voted on and declared adopted.

After the adoption of said resolution, the Town Clerk filed the sworn statement of indebtedness of the Town and assessed valuation thereof as required by the Municipal Finance Act, as amended.

Thereupon, upon motion of Commissioner J.L. Brown seconded by Commissioner J.W. Weathers, the ordinance authorizing \$16,000 Water Bonds as herein above set forth was adopted by the following vote:

Ayes: J.W. Weathers, J.L. Brown, W.T. Moss, B.H. Patterson and E.M. Mitchell.

Noes: None

Thereupon, upon motion of Commissioner W.T. Moss, seconded by Commissioner J.L. Brown, the ordinance authorizing \$12,000 Sanitary Sewer Bonds as herein above set forth was adopted by the following vote:

Ayes: J.L. Brown, J.W. Weathers, B.H. Patterson, W.T. Moss and E.M. Mitchell.

Noes: None

And thereupon Commissioner J.L. Brown introduced the following resolution, which was read and is as follows:

RESOLUTION CALLING A SPECIAL BOND ELECTION,

BE IT RESOLVED by the Board of Commissioners of the Town of Youngsville:

Section 1. That a special election is hereby called to be held on Tuesday, February 20, 1940, between 7 A.M. and Sunset, Eastern Standard Time, at which there shall be submitted to the qualified voters of the Town of Youngsville the following questions:

1. Shall an ordinance passed January 18, 1940, authorizing not exceeding \$16,000 bonds of the Town of Youngsville for constructing a waterworks system for said Town, and a tax for said bonds, be approved?

2. Shall an ordinance passed January 18, 1940, authorizing not exceeding \$12,000 bonds of the Town of Youngsville for constructing a sanitary sewer system for said Town, and a tax for said bonds, be approved?

Section 2. That, for said election, the regular registration books for elections in said Town shall be used and such books shall be open for the registration of voters not theretofore registered from 9 A.M. until sunset on each day, except Sundays and holidays, beginning Saturday, January

27, 1940 and closing Saturday, February 10, 1940. On each Saturday during said period said books shall remain open at the polling place.

Section 3. That a notice of said election shall be published in the Franklin Times not later than January 19, 1940 and again not later than February 2, 1940, reading substantially as follows:

**NOTICE OF SPECIAL BOND ELECTION
TOWN OF YOUNGSVILLE, NORTH CAROLINA**

A special election will be held between 7 A.M. and Sunset, Tuesday, February 20, 1940 at which there will be submitted to the qualified voters of the Town of Youngsville the following questions:

1. Shall an ordinance passed January 18, 1940, authorizing not exceeding \$16,000 bonds of the Town of Youngsville for constructing a waterworks system for said Town, and a tax for said bonds, be approved?

2. Shall an ordinance passed January 18, 1940, authorizing not exceeding \$12,000 bonds of the Town of Youngsville for constructing a sanitary sewer system for said Town, and a tax for said bonds, be approved?

Each of the two questions herein above set forth contains a statement of the purpose for which the bonds are authorized by the ordinance referred to in such question.

If said bonds are issued, a tax will be levied for the payment of the principal and interest thereof on all taxable property in the Town of Youngsville.

For said election the regular registration books for elections in said Town shall be used and such books shall be open for the registration of voters, not theretofore registered, from 9 A.M. until sunset on each day except Sundays and holidays, beginning Saturday, January 27, 1940 and closing Saturday, February 10, 1940. On each Saturday during said period said books shall remain open at the polling place.

The polling place and the names of the election officers, subject to change as provided by law, are as follows:

<u>Polling Places</u>	<u>Registrar</u>	<u>Judges</u>
Youngsville Mayors Office	C.C. Winston	R.L. Young C.E. Jeffreys

Section 4. That the form of the ballot to be used at said election shall be substantially as follows:

**OFFICIAL BALLOT
SPECIAL BOND ELECTION
TOWN OF YOUNGSVILLE, NORTH CAROLINA
FEBRUARY 20, 1940.
INSTRUCTIONS**

1. To vote "yes" on any question, make a cross (X) mark in the square to the right of the word "Yes".
2. To vote "no" on any question, make a cross (X) mark in the square to the right of the word "No".
3. If you tear or deface or wrongly mark this ballot, return it and get another.

YES _____ 1. Shall an ordinance passed January 18, 1940, authorizing not exceeding \$16,000 bonds of the Town of Youngsville for constructing a waterworks system for said Town, and a tax for said bonds, be approved?

NO _____

YES _____ 2. Shall an ordinance passed January 18, 1940, authorizing not exceeding \$12,000 bonds of the Town of Youngsville for constructing a sanitary sewer system for said Town, and a tax for said bonds, be approved?

NO _____

(S.Ellington)
Facsimile of signature of
Town Clerk

Section 5. That the persons whose names are set out in the foregoing form of election notice are hereby appointed registrar and judges for the polling place therein indicated, and that the election shall be held at the place set out in said election notice.

Upon motion of Commissioner J.L. Brown, seconded by Commissioner J.W. Weathers, the foregoing resolution entitled "Resolution calling a special bond election" was passed by the following vote:

Ayes: Commissioners J.L. Brown, W. T. Moss, J.W. Weathers & B.H. Patterson
Noes: None

I, S. E. Winston, Town Clerk of the Town of Youngsville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners of the Town of Youngsville at an adjourned regular meeting held January 18, 1940 as relate in any way to the authorization of bonds of the Town and the calling of a special bond election, said copy having been made from the recorded minutes of said meeting, and said record having been made in Minute Book 1, beginning at page 131 and ending at page 136.

WITNESS my hand and the seal of said Town this 18 day of January, 1940.

(S.Ellington)
Town Clerk

POLICE DEPARTMENT

1.401 ORGANIZATION. The Police Department of the Town shall consist of a Chief and as many policeman as the Board of Commissioners shall from time to time determine and elect and as many special policemen as the Mayor and Board may deem necessary to appoint for special purposes.

REVISED BY BOARD ACTION JUNE 9, 2011.

1.402 BOARD TO HAVE CONTROL. The Board of Commissioners shall have general supervision over the police department. The Board may suspend, for cause, any member of the police department until the next regular meeting at which time final disposition shall be made.

1.403 UNIFORMS. All police officers shall wear uniforms as shall be provided by the Town and shall keep such uniforms in a neat and clean condition, and shall surrender all uniforms and equipment upon leaving the police service of the Town if such uniforms and equipment were furnished by the Town.

1.404 DUTIES OF POLICE. The Police Department shall carry out all orders of the Board, enforce all laws and ordinances of the Town and the State of North Carolina, and shall at all times preserve the peace, protect the property and the safety of the citizens of Youngsville.

1.405 CHIEF OF POLICE. The Chief shall have control over the Police Department under the supervision of the Board of Commissioners. The Chief shall keep the Board informed of the Department's activities and make such reports that the Board may from time to time require, and he shall perform such other duties as may be required of him by the Board.

FIRE DEPARTMENT (REPEALED BY BOARD ACTION OCT. 2011)

1.501, 1.502, 1.503, 1.503.1, 1.503.2, 1.503.3, 1.503.4

MUNICIPAL OWNED PROPERTY

1.601 PROCEDURES FOR DECLARING PROPERTY SURPLUS (REVISED 10/11)
BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville:

Section 1. That the administrative assistant is hereby authorized, pursuant to G.S. 160A-266(c), to dispose of any surplus personal property owned by the Town of Youngsville whenever he determines, in his discretion, that:

- (a) The item or group of items has a fair market value of less than \$500.00;
- (b) The property is no longer necessary for the conduct of public business; and
- (c) Sound property management principles and financial considerations indicate the interest of the Town would best be served by disposing of the property.

Section 2. That the administrative assistant may dispose of such surplus personal property by any means which he judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in Article 12 of G.S. Chapter 160A. Such sale may be public or private, and with or without notice and minimum waiting period.

Section 3. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the Town if greater value may be obtained in that manner, and the administrative assistant is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the administrative assistant may retain the property, obtained any reasonable available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Board of Commissioners.

Section 4. That the administrative assistant shall, on or before the first day of February, report in writing to the Board of Commissioners on any property disposed of under these provisions from July 1 through December 31 of the previous year, and shall, on or before the first day of August, report in writing to the Board of Commissioners on any property disposed of under those provisions from January 1 through June 30 of that year. The written report shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange since the last such report was submitted.

Section 5. This ordinance is effective upon adoption, this 14th day of November, 1991.

Lynwood Buffaloe
Lynwood D. Buffaloe, Mayor

ATTEST:
Deborah G. Pearce
Deborah G. Pearce, Town Clerk

MUNICIPAL HOLIDAYS

1.701 The Town of Youngsville, in accordance with the State of North Carolina, shall observe the following Holidays:

New Years Day
Martin Luther King Jr.'s Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving
Christmas

Town offices will be closed and services will be suspended until the next working day except for emergencies, which will be handled in a timely manner.

CHAPTER 2

FIRE PROTECTION, PREVENTION, HAZARDS & FIRE LIMITS

PROTECTION AND PREVENTION

2.101 FOLLOWING FIRE EQUIPMENT. It shall be unlawful to follow any fire apparatus which is responding to a call, by automobile or any other vehicle, unless such is used for transporting firemen to the scene of fire, at a distance closer than one city block, or to pass such apparatus or to park within the same block in which fire is in progress.

2.101.1 FOLLOWING FIRE APPARATUS. It shall be unlawful to follow by automobile, truck, bicycle or other vehicle, unless transporting Firearm to a fire in response to a fire alarm, closer than one block, or to pass, stop or park within the block in which the fire occurred for the duration of such fire.

2.102 INTERFERING WITH FIREMEN OR FIRE APPARATUS. No person shall interfere with a fireman in the discharge of his duty, or hinder him in the performance of said duty; nor shall any person other than members of the fire department loiter about any fire station, or change, handle, or meddle in any manner with any fire engine or any other fire apparatus.

2.103 ONLY FIREMEN AND POLICEMEN MAY RIDE ON TRUCKS WITHOUT PERMISSION. No person other than a bona fide member of the fire department shall mount any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of such engine, wagon or other apparatus.

2.103.1 RIDING ON FIRE APPARATUS. It shall be unlawful for any person, except a member of the Fire Department, to ride on any truck, vehicle or apparatus of the Department, while going to or returning from a fire, except by permission of the Chief of the Fire Department.

2.104 INTERFERING WITH FIRE ALARM APPARATUS. No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes, or other apparatus connected therewith.

2.105 GIVING FALSE ALARM OF FIRE FORBIDDEN. No person shall give or cause to be given any false alarm of fire by means of the fire alarm system or otherwise.

2.106 PROTECTION OF FIRE HOSE. It shall be unlawful for any person, firm or corporation to drive over, or in any way damage or mutilate any fire hose while in the use at the fire or otherwise.

2.106.1 DRIVING ACROSS FIRE HOSE. It shall be unlawful for any person to drive any stock or vehicle over or across fire hose while in use, or interfere in any manner with the work of Firemen, or to drive any vehicle close behind the fire truck while in practice or at work so as to endanger the Firemen, who drop from the running fire truck.

2.107 REPEALED (October 2011) AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF YOUNGSVILLE TAMPERING WITH OR USING FIRE DEPARTMENT PROPERTY

2.107.1 REPEALED (October 2011).

HAZARDS

2.201 BURNING OF TRASH PROHIBITED. In compliance with the N.C. Division of Air Quality (DAQ), no trash of any kind can be burned inside the town limits of Youngsville. This includes, but is not limited to, the following:

- Garbage, paper and cardboard
- Tires and other rubber products
- Building materials, including lumber and wood scraps
- Wire, plastics and synthetic materials
- Asphalt shingles and heavy oils
- Paints, household and agricultural chemicals
- Organic material such as leaves, branches, and other plant growth that is picked up by Town services. See Ordinance 6.203 for the schedule on organic pickup.

2.201.1 BONFIRES PROHIBITED. No person shall kindle or maintain any bonfire, or knowingly furnish the material for such bonfire, or authorize such bonfire to be kindled or maintained on or in any street, avenue, road, lane or public ground, or upon any private lot within the town.

2.202 ALLOWABLE RECREATIONAL BURNING. Allowable types of outdoor burning include an incinerator, outdoor fireplace, portable outdoor fireplace (fire pit), barbeque grill or barbeque pit, or campfire (with a maximum diameter of 3 feet and a maximum height of 2 feet for the fuel area). Allowable recreational fires are subject to the following:

- Distance from Combustibles – Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- Allowable Fuels – Burn only dry, well-seasoned firewood or similar clean burning wood. Land-clearing waste and/or refuse shall not be used as a fuel for a recreational fire.
- Attendance – Fires shall be constantly attended until completely extinguished. A smoldering fire is not completely extinguished and should never be left unattended.
- Means of Extinguishment – A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Failure to comply with any of the above restrictions will be considered a violation of the Town Ordinance and will be subject to the penalties set forth in Chapter 12 of this Ordinance.

2.203 ALLOWABLE NON-RECREATIONAL BURNING. The N.C. Division of Air Quality (DAQ), with approval, allows open burning on special occasions such as: training fire-fighting personnel; managing forest lands or wildlife habitats; controlling agricultural diseases and pests; and disposing of materials generated by natural disasters such as hurricanes and tornados. Permission must be obtained by DAQ, N.C. Division of Forest Resources and the Youngsville Town Hall. These permits do not excuse a person from following the state's opening-burning rules. Failure to comply with any of the above restrictions will be considered a violation of the Town Ordinance and will be subject to the penalties set forth in Chapter 12 of this Ordinance along with the allowable fines from both DAQ and the N.C. Division of Forest Resources.

2.204 ENCUMBRANCE BEFORE OR ON FIRE EXIT. No person shall at any time, place any encumbrances of any kind whatsoever before or upon any fire escape, balcony or ladder intended as a means of escape from fire. It shall be the duty of every member of the police and fire department who shall discover any fire escape encumbered in any manner to forthwith report the same through his department channels to the Chief of the fire department, who shall immediately notify the owner or owners, their agent or agents, tenant or tenants, to remove such encumbrance and encumbrance shall thereupon be immediately removed.

2.205 EXIT SIGNS IN THEATERS AND MOTION PICTURE HOUSES. Every exit in any theater or motion picture house shall be plainly indicated by a sign bearing the word "Exit", which sign shall be kept lighted throughout each performance.

2.206 PASSAGEWAYS IN PLACES OF PUBLIC ASSEMBLAGE TO BE KEPT OPEN, EXIT DOORS NOT BE FASTENED. All doors, aisles and passageways within and leading into or out of the theaters, churches and all other places of public assemblage, shall, during the entire time which any show, performance, service, exhibition, lecture, concert, ball or other assemblage may be held therein, be kept adequately lighted and free from easels, signs, standards, campstools, chairs, sofas, benches and any other article or articles that might obstruct or delay the exit of the audience, congregation or assemblage; and doors of such buildings while occupied shall not be fastened so that they cannot easily be opened by anyone from within. No persons shall sit or stand or remain seated or standing, nor shall the owner or operator of such place allow any person to remain, in any such place of public assemblage in any aisle under any circumstances or in any exit, or passage required for the safe exit of the assemblage. Clear passage from all exits and on outside sidewalks of all theaters and other places of public assemblage shall be maintained at all times. No aisle, passageway or stairway in any store shall be obstructed with tables, show cases or other obstructions during the hours such store is open to the public.

2.207 LOTS KEPT FREE FROM FIRE HAZARD. It shall be unlawful for any person to permit or suffer rubbish, refuse or articles or combustible or inflammable nature to accumulate or remain on any lot or premises.

FIRE LIMITS

2.301 DESCRIPTION.

(a) The following is hereby constituted and known as Fire District No. 1 of the Town of Youngsville: All territory lying within 150 feet of Main Street or either side thereof between College Street on the West end of Main Street and Nassau Street on the East end of Main Street. Within the foregoing limits no wooden building shall be built, placed, constructed, or removed from one place to another nor any material be used in the construction, alteration, or replaced, of any outside walls, except stone or brick, nor shall any wooden addition, or additions, with other than stone or brick be made to any building, nor shall any new building or buildings be constructed with any wooden materials.

(b) In addition to fire district No. 1, as hereinbefore set out, the following area, is hereby constituted Fire District No. 2 of the Town of Youngsville, and shall begin at the edge of Fire District No. 1; and shall extend from College Street on the west end of Main Street and extend to Nassau Street on the east end of the said Main Street said No. 2 Fire District shall begin 150 feet on either side of Main Street that both in a northwardly and southwardly direction and from north and south edge of Fire District No. 1 and extend 355 feet in either direction. In the said Fire District No. 2 all of the restriction wherein before set out as to Fire District No. 1 shall apply

except the foregoing restriction shall not apply to any dwelling house to be constructed in the said No. 2 Fire District.

2.301.1 AMENDMENT TO FIRE DISTRICT

(A) The following is hereby constituted and know as Fire District No. 1 of the Town of Youngsville: All territory lying within 150 ft. of Main Street or either side thereof between College Street on the West end of Main Street and Nassau Street on the East end of Main Street. Within the foregoing limits no wooden building shall be built, placed, constructed, or removed from one place to another nor any material be used in the construction, alteration, or replaced, of any outside walls, except stone or brick, nor shall any wooden addition, or additions, with other than stone or brick be made to any building, nor shall any new building or buildings be constructed with any wooden material.

(B) In addition to fire district No. 1, as hereinbefore set out, the following area, is hereby constituted fire district No. 2 of the Town of Youngsville, and shall begin at the edge of Fire district No. 1; and shall extend from College Street on the West end of Main Street and extend to Nassau Street on the East end of the said Main Street said No. 2 fire district shall began 150 ft. on either side of Main Street that both in a Northwardly and Southwardly direction and from North and South edge of Fire District No. 1 and extend 355 ft. in either direction. In the said fire district No. 2 all of the restriction wherein before set out as to fire district No. 1 shall apply except the foregoing restriction shall not apply to any dwelling house to be constructed in the said No. 2 fire district.

(C) It is further herein set out and enacted that no construction or alteration of any kind or description shall be made in either of the above set out fire district; without a building permit, and full compliance with ordinance no. governing construction in the Town of Youngsville.

Any person or persons violating this ordinance shall be subject to a fine of fifty dollars, and five dollars per day additional for each day said building stands.

2.302 REGULATIONS WITHIN FIRE LIMITS. No construction or alteration of any kind or description shall be made in either of the above set out fire districts without a building permit, and full compliance with ordinances governing construction in the Town of Youngsville.

CHAPTER 3

STREETS AND SIDEWALKS

DAMAGING STREETS AND SIDEWALKS

3.101 PERMIT TO DIG IN STREETS. It shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the Town of Youngsville without first securing a permit therefore in writing from the Town Clerk.

3.102 SIDEWALK CONSTRUCTION. No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood, or other material without a written permit from the Town of Youngsville.

3.103 STREET REPAIR. It shall be the duty of every person, firm or corporation, who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the Town, to put the said street, public alley or sidewalk in as good condition in all respects as it was before, and every person, firm or corporation violating or failing to observe the provisions of this Section shall be guilty of a misdemeanor.

3.104 EXCAVATIONS - LEAVING UNPROTECTED. It shall be unlawful for any person, firm or corporation making any excavation for any purposes whatsoever in any of the streets or sidewalks to fail to securely cover such excavations with plank or place ropes around the same three feet from the ground or shall fail to place a sufficient number of red lights around dusk excavation before dark and to keep such light burning all night every night such excavation shall be open.

3.105 STREETS NOT TO BE DAMAGED. It shall be unlawful for any person, firm or corporation to drag, or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bitulithic, warrernite, or other permanently paved street of the Town which shall be liable, in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

3.106 HOUSE MOVING. No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the board of Commissioners and the deposit of a good and sufficient bond in the sum of five hundred dollars (\$500.00), to cover damage done to such street or sidewalk or to any property of any person.

3.107 DAMAGE TO BRIDGES AND CULVERTS. No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the Town, or shall place any obstruction in any culvert, ditch or drain, to prevent the free flow of water on or over the streets of the Town.

3.108 DAMAGE TO LIGHTS, SIGNS. No person shall injure, tamper with, remove or paint upon or deface any sign, sign post, street light, traffic signal or bulletin board or other municipal property upon the streets and sidewalks except employees of the Town in performance of their duties.

OBSTRUCTING STREETS AND SIDEWALKS

3.201 ASSEMBLY ON SIDEWALK. All persons are forbidden from assembling or collecting and standing so as to obstruct any sidewalk or street and all persons so collecting and standing shall disperse and move upon the demand of any police officer.

3.202 DISPLAY OF GOODS PROHIBITED. No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of said Town, which shall extend out on the sidewalks.

3.203 PLACING OBJECTS ON STREET AND SIDEWALKS. No brick, stone or wood or other substance obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alley ways, streets or other routes of the Town, nor shall any person place on or in any of the streets, sidewalks or alley ways of the Town any boxes, crates, casks, or barrels of any description, or any other obstruction of any kind. Provided that any person erecting a building, may with permission place building material for immediate use on the streets in such a way as to not interfere with the usual traffic.

3.204 CONSTRUCTION NEAR SIDEWALK. Before building or remodeling at any place where the same is in close proximity to the sidewalk an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

3.205 SHEDS AND AWNINGS. No person shall erect or repair over any sidewalk or street any wooden shed or awning or any wooden shed for the support of an awning or erect upon any street or sidewalk any post for the support of any awning. If any person shall violate this Section then each day that the above forbidden structure shall remain after notice shall constitute a separate violation. Provided that this shall not be construed to prevent the erection over the sidewalk of cloth awnings supported upon metallic frames firmly suspended from the building, and at least seven feet above the level of the sidewalk.

USE AND CLEANLINESS

3.301 THROWING OR BURNING TRASH ON STREET PROHIBITED. No paper, straw, lemon peel, banana peel, watermelon rind or any trash of any kind shall be thrown or swept upon any sidewalk or street of the Town, nor shall any trash, refuse, or rubbish be burned thereon.

3.302 TREE TRIMMINGS. It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery trimmings on any street or sidewalk.

3.303 SNOW AND ICE REMOVAL. Every occupant of a store building in front of which the sidewalk is paved with stone, brick, asphalt or cement, shall remove snow, ice or other obstruction from such sidewalk at the earliest possible time and as soon as the weather permits.

3.304 BICYCLE AND SKATEBOARDS ON SIDEWALKS PROHIBITED. It shall be unlawful for any person to ride a bicycle or skateboard on any sidewalk in the Town.

3.305 PLAYING BALL ON SIDEWALKS PROHIBITED. No person shall play ball or bat or catch ball on any of the streets of the Town.

CHAPTER 4

MUNICIPALLY OWNED UTILITIES

WATER AND SEWER

4.101 BOARD TO REGULATE. The sewer and water system of the Town shall be under the control of, and the duty of prescribing and enforcing a full compliance with all the rules and regulations governing all connections with the public sewer and water system shall be vested in the Board or its authorized agent.

4.102 PERMIT FOR CONNECTION REQUIRED. No person, firm, or corporation shall connect with the water system of the Town of Youngsville until they shall have made application for permission to so connect in writing to the Town Clerk and this application shall be made before any part of the drainage system of the house or other connection shall have been laid or constructed and said application shall be accompanied with a plan or drawing showing the location of the building and the entire proposed connection from the public sewerage line through the building to its terminus, showing the location of all the fixtures, traps, ventilating pipes, etc., and shall state name of the street and name of the person, firm or corporation.

4.103 SEPARATE CONNECTIONS REQUIRED. Each individual business or residential building or structure shall install a separate water and sewer connection.

4.104 SEWER REQUIRED. All owners of improved property which is or may be located upon or within a reasonable distance of the sewerage system of the Town of Youngsville, where the sewerage system is in operation, shall connect with such sewerage system all water closets, bath tubs, lavatories, sinks, drains, shower baths and other connections upon their respective properties or premises so that the contents may be made to empty into such sewer or sewer system.

(a) No outdoor privies may be hereafter constructed on or near any sewer line, and the Board of Town Commissioners or the Health office may require and enforce immediate abandonment of any such privy.

(b) No person shall maintain or use a residence located within 300 yards of another residence that is not provided with sewerage, where such sewerage is available, or with septic tanks approved by the State Board of Health, or with sanitary privy which complies in construction and maintenance with the requirements of the State Board of Health.

(c) No person shall after having an outdoor privy condemned rebuild said outdoor privy but must connect to town sewerage system where such connection is available. If such connection is not available such person must build a septic tank or outdoor privy according to the requirements of the State Board of Health.

4.104.4 SANITARY SEWER OIL AND GREASE ORDINANCE.

I. PURPOSE

This Ordinance is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds into the Town's wastewater collection system or wastewater treatment facility by commercial, industrial, institutional and all other non-residential activities.

II. Definitions

- 1) "Town" shall mean the Town of Youngsville, North Carolina, and its utility service area.
- 2) "Person" shall mean any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments or agencies thereof
- 3) "Grease" shall mean all greases, grease complexes, fats, oils, scum, sludge and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 C.F.R. 136.
- 4) "Wastewater" shall mean any substance introduced, contributed to, or discharged into the Town's wastewater collection system or wastewater treatment facility.
- 5) "Grease Trap" or "Grease Interceptor" shall mean a device for separating and retaining waterborne greases before the wastewater which contains such grease exits the grease trap or interceptor into the Town's wastewater collection system or wastewater treatment facility. The grease trap or interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.
- 6) "Cooking establishment" shall mean any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires washing, rinsing or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and daycare facilities where meals for more than six (6) children are prepared, served or otherwise made available for human consumption.
- 7) "Non-cooking establishment" shall mean any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs.
- 8) "User" shall mean any person primarily engaged in any commercial, industrial, institutional or other non-residential activity who introduces, contributes or discharges (or causes or permits the introduction, contribution or discharge of) wastewater into the Town's wastewater collection system or wastewater treatment facility, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system or through any mobile source.
- 9) "Commercial establishment" and "Industrial establishment" shall mean any user that has the potential to use, contribute to or otherwise impact the Town's wastewater collection system or wastewater treatment facility. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.

III. Grease Trap and Interceptor Installation, Maintenance, Record-Keeping and Removal.

- 1) No later than (1) year after adoption of this ordinance, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of greases into the Town's wastewater collection system or wastewater treatment facility. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial establishment, industrial establishment, or a cooking establishment. Grease traps or interceptors must have a minimum capacity of one thousand (1,000) gallons or more as required to affect a grease concentration maximum of 200 mg/l.
- 2) Alternative methods of compliance maybe approved by the Town if the user demonstrates that compliance with this ordinance is impossible or impractical at the time of adoption of this ordinance as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in Section III (1) of this ordinance, and the user must adequately demonstrate to the satisfaction of the Town that the proposed alternative method will satisfy those performance criteria. In addition, any such alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under Section III (5) of this ordinance. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the Town for review and approval.
- 3) Grease traps and interceptors may also be required in other facilities, as deemed necessary by the Town.
- 4) Upon the prior written approval of the Town, non-cooking establishments may be exempted from the requirements of this ordinance after an inspection of the subject premises and submission of adequate supporting documentation shall include: blueprints of the subject premises, a full and detailed description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of grease at the subject premises.
- 5) Users shall empty and service grease traps and interceptors to comply with the performance criteria in section III (1) of this ordinance as often as necessary, but in any event no longer than every sixty (60) days. Under-the-counter types of grease traps and interceptor shall be cleaned at least daily, and shall comply with the performance criteria in Section III (1) of this ordinance. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 200 mg/l or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the Town's Wastewater collection system or wastewater treatment facility.
- 6) Users shall supply (i) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and (ii) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be a four inch (4") vertical clean-out.
- 7) Users shall retain detailed records on-site (for a minimum of three (3) years) reflecting all maintenance carried out pursuant to this ordinance. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler providing the service.

- 8) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, etc., which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.
- 9) Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.
- 10) Except as provided herein, for a period of one (1) year following the adoption of the ordinance, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in Section III (1) of this ordinance. If, during such period, (i) an obstruction of any of the Town's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact and (ii) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the Town will seek enforcement action under all applicable state and federal provisions of law. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (a) such overflow or other event involves an amount of wastewater equal to or in excess of one thousand (1,000) gallons, or (b) any amount of wastewater reaches any body of surface water.

IV. ENFORCEMENT

The Town shall appoint an enforcer of this ordinance with the power to use all means prescribed by state and federal law to protect the wastewater collection system, wastewater treatment facility and environment by preventing the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds.

V. IMPLEMENTATION

This ordinance shall become effective upon the date of its adoption.

Adopted this 13th day of March, 2008

Samuel Hardwick, Mayor

Brenda T Robbins, Town Administrator

4.105 USE OF TOWN WATER.

(a) No consumer will be allowed to supply or sell water, to other persons, families or corporations, nor shall any person take or carry away water from any hydrant, watering trough, or public fountain.

(b) The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by any unauthorized person for any purpose, without permission from the Board.

4.106 WATER AND SEWER ACCOUNTS.

(a) The owner or owners of improved property within the Town of Youngsville shall be liable for the payment of all water and sewerage services furnished to said premises and if not paid shall become a lien against said property.

(b) Upon the failure of the owner or owners to pay the amount charged for either water or sewerage services within the time set forth on billing, both of said services may be discontinued without prejudice to the right of the Town to recover for the services rendered before discontinuance, and services will not be restored until account is paid.

4.107 WATER AND SEWER RATES. Water rates and connection charges shall be determined from time to time by the Board which shall be kept on file in the office of the Town Clerk.

4.108 TAMPERING WITH OR OBSTRUCTING WATER AND SEWER LINES PROHIBITED. No person shall touch, tamper, or in any manner manipulate or turn the cut-offs on the water mains forming a part of the water system of the Town of Youngsville, nor shall any person tamper with or harm in any manner whatsoever any water or sewer line, main or any appurtenance thereto. No person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct such line.

4.109 PRIVATE WATER SUPPLY REGULATED.

(a) It shall be unlawful for any person, firm or corporation to furnish, supply, or provide, for gain or profit, any water from a private well or pumps in or to any dwelling house, boarding house, inn, hotel, cafe or other commercial establishment, or any room or rooms of the same, when said dwelling house or any room or rooms therein are rented, or offered for rent to the public, or when said boarding house, inn, hotel, cafe, or other commercial establishment is open to, or used by, the public, unless and until an analysis of the water from such private well or pump shall have first been submitted to and approved by the Town Clerk of the Town of Youngsville.

(b) The water analysis referred to in Sub-Section (a) hereof shall be made by or under the direction of the County Board of Health or the Department of Public Health of the State of North Carolina.

(c) If the said water analysis bears the approval of either of the authorities referred to in Sub-Section (b) hereof, the Town Clerk shall approve the same by endorsing thereon the word "approved" and affixing thereto his signature as Town Clerk. If, however, the said analysis shows that the said water is contaminated and unfit for human consumption, the Town Clerk shall not approve said analysis, but shall deliver said analysis to the Mayor and Board of Commissioners of the Town of Youngsville, which said Board may disapprove said analysis and return the same to its owner.

4.110 WATER AND SEWER SUPERINTENDENT. The Board of Commissioners may select some competent person to supervise under their general control the entire water and sewer system of the Town. The Board may from time to time prescribe the duties and responsibilities of the superintendent. The superintendent, or his assistant, shall, at all reasonable hours, have free access to all premises for the purpose of examining hydrants, fixtures or connections on which city water pressure is maintained.

4.111 WORK ON WATER AND SEWER SYSTEM. All work on the water and sewer system and all connections or disconnections thereto shall be performed by the authorized employees of the Town or their representatives, or plumbers approved by the Town. All work shall be performed in accordance with the Plumbing Code of the Town of Youngsville and such amendments thereto that the Board of Commissioners may from time to time adopt.

4.111.1 (REVISED 12/7/70). The Youngsville Town Board of Commissioners hereby set new water and sewage cut-in rate to be charged to property owners, effective as of this meeting. New rate (instead of the former \$60.00 cut in fee for water and sewage) to be \$100.00 for water cut-in and \$125.00 for water and sewage cut-in; using three fourths inch meter. Town will provide installation to curb at property line. The homeowner is to bear the expense of lines on property. If owner requests larger meter, additional charge will be made to cut-in fee.

4.111.2 (REVISED 7/3/72). Anyone wishing to tap on to the town water line must pay the tap-on fees of either \$100.00 for water or \$125.00 for both water and sewer, in advance by cash payment. If there should be a particular hardship circumstance involved in paying said fee by cash in advance, that individual may appear at a meeting of the Town Board of Commissioner and present their case.

WELL RESTRICTIONS - REVISED

4.112 ORDINANCE RESTRICTING THE DIGGING AND USE OF WELLS IN THE CORPORATE LIMITS OF THE TOWN OF YOUNGSVILLE FOR REASONS OTHER THAN IRRIGATION

The Town of Youngsville presently owns and operates a public water system and purchases water from Franklin County, and

WHEREAS, an Ordinance was proposed and seconded at the August 11, 1988 regular meeting of the Youngsville Town Board to disallow further digging of wells in the Town of Youngsville and by amendment, disallowing any existing wells to be dug any deeper than their present depth, and

NOW, THEREFORE, this Ordinance is revised to state that any resident in the Town of Youngsville after applying for and receiving a permit from the Zoning Administrator shall be allowed to dig a well for irrigation and outside use only if they meet the following requirements:

1. All wells have to be in the rear yard beyond the rear of the dwelling.
2. All wells have to meet the set back requirements for the zoning of the property and to be shown on a plot map of the property showing distance from property lines. In no event shall it be less than 10' from the property line regardless of the zoning of the property.
3. All well sites have to be at least 100' from any existing septic tank whether it is on their property or an adjoining property as required by the Franklin County Health Department.
4. That all wells shall not be used for potable water and in no way connected to the house water system.
5. That all wells shall not be used for human consumption and connected to any dwelling or out building.
6. Any resident that receives a permit to dig a well shall submit to inspection of the well connection system at anytime by the Zoning Administrator and/or his/her designated representative.
7. That all residents understand that if they shall allow any cross connection between the Town water system and the well system they shall be in violation of a Town Ordinance as well as other laws including G.S.143-152 and G.S.14-159.1 and shall be charged as such.

IT IS HEREBY ORDAINED: That henceforth no well shall be dug within the corporate limits of the Town of Youngsville and no existing well shall be dug any deeper than its current depth unless it is used for irrigation purposes only.

Passed this 13th day of October 2005.

(Signature)

Samuel K. Hardwick, Mayor

ATTEST:

(Signature)

Brenda T. Robbins, Town Administrator

**TOWN OF YOUNGSVILLE, NORTH CAROLINA
WATER SHORTAGE RESPONSE ORDINANCE
ORDINANCE NO. 4.113**

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

I. Authorization

The Youngsville Town Administrator shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section IV are met. In his or her absence, Town Clerk will assume this role.

Youngsville Town Administrator
Phone: (919) 556-5073
E-mail: townyngs@townofyoungsville.org

Youngsville Town Clerk
Phone: (919) 556-5073
E-mail: ehurd@townofyoungsville.org

II. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through *The Franklin Times*, PSA announcements on local radio and cable stations and the Town website (townofyoungsville.org). Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone via a reverse 911 call out system.

III. Levels of Response

Responses are in the attached Franklin County Water Shortage Response Plan and the Kerr Lake Regional Water System Plan (RWS) with the exception of year-round mandatory outdoor water use restrictions detailed below.

The mandatory water restrictions also limit the use of Franklin County supplied water for other uses such as power washing driveways, sidewalks, decks, patios, streets, and exterior building surfaces except on Saturdays and Sundays. The commercial use of power washers is permitted under these restrictions.

WATER USE	IRRIGATION SCHEDULE
Automatic/non- automatic irrigation systems	ODD -Tuesdays & Saturdays EVEN -Wednesdays & Sundays 12 a.m.(midnight) - 10:00 a.m.
Hose End Sprinklers	ODD -Tuesdays & Saturdays EVEN -Wednesdays & Sundays 6:00 am-10:00 am/6:00 pm-10:00 pm
Hand-Held Hose	ODD -Tuesdays & Saturdays EVEN -Wednesdays & Sundays 6:00 am-10:00 am/6:00 pm-10:00 pm
Vehicle Washing	Any day of the week
Pressure Washing	Saturday & Sunday
No Watering Allowed	Mondays, Thursdays, & Fridays

Washing of private vehicles shall be allowed on any day of the week except in the event of extreme periods of water shortage (i.e. prolonged excessive drought, disruption of water supply, KLRWS mandatory restrictions, etc.)

The mandatory water use restrictions apply to all Franklin County Water Customers including those in the Town of Youngsville, Town of Bunn, and Lake Royale.

The first violation of these restrictions will result in a written warning, a second violation will result in a \$200 fine, a third violation will result in a \$500 fine, and a fourth will result in disconnection of the water service.

EXEMPTIONS TO IRRIGATION REQUIREMENTS:

The watering restrictions shall not apply to:

- 1) Properties using non-potable/reuse water for landscape irrigation.
- 2) Watering of commercial containerized plants and commercial plant stock in trade maintained for resale, and
- 3) Visually supervised operation of watering systems for short periods of time to check system condition.
- 4) Property owners may obtain a 45 day New Landscaping Establishment Permit from the Town Hall for the purpose of establishing new plantings.
New plantings, for the purpose of this permit, are defined as the installation of new sod to the entire yard, whole yard first seeding, large commercial plantings or whole

yard reestablishment (50% or greater disturbance of lawn). The permit will be applicable during the installation and for 45 days from substantial completion of the installation. Irrigation will be permitted during the hours 5:00am to 10:00am.

- a) The water level in any swimming or wading pool may be supplemented to provide for proper operation and sanitary pool conditions.
- b) Residents are prohibited from washing areas such as sidewalks, patios, decks, driveways, parking lots, streets and exterior building surfaces except on Saturdays and Sundays. This restriction shall not apply to the washing of soiled areas for maintenance of public health and sanitary conditions. The commercial use of power washers is permitted.

Leaking water services or plumbing must be repaired with five (5) days of written notification by the Town of Youngsville Water and Sewer Department.

IV. Triggers

The Town of Youngsville is provided water solely by purchase from Franklin County Public Utilities. When Franklin County declares a water shortage Youngsville is required to do so as well. During this time the Town Administrator, or his/her designee, will stay in close contact with Franklin County Public Utilities and follow their triggers.

Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

V. Enforcement

The provisions of the water shortage response plan will be enforced by Town of Youngsville personnel and local law enforcement. Violators may be reported on the Town’s phone line. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Reductions (Stages 2 and 3)	Warning	\$200	\$500
Emergency Reductions	\$250	Discontinuation of Service	Discontinuation of Service
Water Rationing	\$500	Discontinuation of Service	Discontinuation of Service

Violation of this amendment to the Water Shortage Response Ordinance may be punished by any means available to Franklin County through the provisions of N.C.G.S 160A-175. A written warning will be issued for the first violation, a second violation of this ordinance is \$200.00, a third violation is \$500.00, and a fourth violation shall result in interruption of water service to the offending customer.

The Town will issue written notification to the customer and occupant of intent to interrupt water service and twenty-four (24) hours later will interrupt water service unless the violation has ceased. Each day shall constitute a separate violation. If water service has been interrupted due to repeat violation of this ordinance, service will not be re-instated until the Town Administrator has determined that the risk to the Town water supply has been alleviated or the Town Administrator is otherwise assured of compliance. All fines associated with violations of this ordinance shall be paid within thirty (30) days of first notification. Failure to do so will result in interruption of service. Service will not be restored until such time that all applicable fines have been paid.

VI. Public Comment

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be available at Town Hall for customers to view. A notice will be included in customer water bill notifying them of such. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Youngsville Board of Commissioners.

VII. Variance Protocols

Customers may submit a written request to receive a variance from this policy. All requests must be submitted to the Town Hall for review by the Town Administrator or his or her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

VIII. Effectiveness

The effectiveness of the Town of Youngsville water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

IX. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary

improvements to the plan to the Town of Youngsville Board of Commissioners. The Town Administrator is responsible for initiating all subsequent revisions.

This ordinance shall take effect immediately upon adoption or passage by the Youngsville Board of Commissioners this 10th day of February, 2011.

Samuel K. Hardwick, Mayor

ATTEST:

Brenda T. Robbins, Town Administrator

**CONSERVATION MEASURES
WATER SHORTAGE RESPONSE
ORDINANCE No. 4.114**

ADDENDUM

CONSERVATION MEASURES

Direct users to adopt the following conservation measures:

INDOOR RESIDENTIAL USE:

CONSERVATION FOR VOLUNTARY CONSERVATION PHASES:

- Use dishwashers only when they are full. Washing dishes by hand (don't let the tap run!) Saves about 25 gallons.
- Adjust water level on clothes washing machines, if possible. Use full load only, of not adjustable.
- Turn off faucets while brushing teeth, etc. Saves about 5 gallons per day.
- Reduce water used per flush by installing toilet tank displacement inserts. A plastic jug may often be used as an alternative. **DO NOT USE BRICKS** – they disintegrate when soaked and the resulting grit hinders closing of the flap valve.
- Do not use the toilet as a trash can.
- Use sink and tub stoppers to avoid wasting water.
- Keep a bottle of chilled water in the refrigerator for drinking.
- Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.
- Take shorter showers and shallow baths. Saves about 25 gallons.
- Reduce the number of toilet flushes per day. Each flush uses about 5 gallons (2-3 if you have water saving toilets).
- Don't use a garbage disposal.
- Use non-phosphate detergent and save laundry water for lawns and plants.

CONSERVATION FOR EMERGENCY CONSERVATION OR RATIONING PHASE (In addition to measures listed above).

- Turn off shower while soaping up.
- Use disposable eating utensils.

**OUTDOOR RESIDENTIAL USE
CONSERVATION FOR NORMAL CONDITIONS AND VOLUNTARY CONSERVATION
PHASE:**

Lawns:

- Water before 10:00 a.m. to prevent evaporation that occurs during the hottest part of the day. Morning is better than evening, when the dampness encourages growth of fungus.
- Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.
- Water thoroughly, not frequently: long enough to soak roots. A light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.
- Don't let the sprinkler run any longer than necessary. In an hour, 600 gallons can be wasted.
- Allow maximum of one inch of water per week on your lawn. To measure, place cake tins outside to collect rain and water from sprinklers.
- Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
- Aerate lawns by punching holes 6 inches apart. This allows water to reach roots rather than run off surfaces.
- Position sprinklers to water the lawn, not the pavement.
- Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
- Keep sprinkler heads clean to prevent uneven watering.
- Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
- Know how to turn off an automatic sprinkler system in case of rain.
- Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.

Vegetables and Flower Gardens:

- Water deeply, slowly and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- Keep soil loose so water can penetrate easily.
- Keep weeds out to reduce competition for water.
- Put the water where you want it and avoid evaporation by using soil-soakers or slow running hoses, not sprinklers.

Trees and Shrubs:

- Water deeply using a soil-soaker or drip-irrigation.
- Water only when needed. Check the depth of soil dryness by digging with a trowel.
- Mulch to reduce evaporation. A 2" to 3" layer of wood chips, pine needles, grass clippings, or straw keeps the soil cool in summer.
- Dig troughs around plants to catch and retain water.
- Water trees growing in full sun more often than those in shade.
- Do not use sprinklers. Apply water directly at base.
- Do not fertilize during the summer. Fertilizing increases a plant's need for water.
- Postpone planting until fall or spring when there is generally less need for water.
- Install trickle-drip irrigation systems close to the roots of your plants. By dripping water slowly, the system doesn't spray water in to the air. Use soil probes for large trees.
- Water when cloudy or at night.

**OUTDOOR RESIDENTIAL USE CONSERVATION FOR VOLUNTARY CONSERVATION
PHASE (in addition to measures listed above).**

- Do not allow children to play with hose or sprinklers.
- Limit car washing.
- Be ready to catch rainfall that occurs. Place containers under drain sprouts.
- Use leftover household water if available.
- Consider delaying the seeding or sodding of new lawns.

- Determine the amount of water being used outdoors by comparing water bills for summer and winter.

CONSERVATION FOR MANDATORY CONSERVATION PHASE (In addition to measures listed above).

- Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.
- Do not water lawns and inedible plants.
- Do not use sprinklers.

Most outdoor watering is prohibited under Emergency Conservation conditions.

HOSPITAL AND HEALTH CARE FACILITY USE:

- Reduce laundry usage or services by changing the linens, etc. only when necessary to preserve the health of patients or residents.
- Use disposable food service items.
- Eliminate, postpone, or reduce, as they may be appropriate, elective surgical procedures during the period of emergency.

INDUSTRIAL USE

- Identify and repair all leaky fixtures and water-using equipment. Give special attention to equipment connected directly to waterlines, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners, and furnaces.
- Assure that valves and solenoids that control water flows are shut off completely when the water-using cycle is not engaged.
- Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.
- Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.
- For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.
- Advise employees, students, patients, customers, and other users not to flush toilets unnecessarily. Install toilet tank displacement inserts; place flow restrictors in showerheads and faucets; close down automatic flushes overnight.
- Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.
- Place water-saving posters and literature where employees, students, patients, customers', etc. will have access to them.
- Review usage patterns to see where other savings can be made.

PROPERTY INTERSECTED BY CITY LIMIT BOUNDARIES

4.201 AN ORDINANCE PROVIDING FOR THE METHOD OF PROVIDING TOWN SERVICES AND PRIVILEGES TO THOSE PERSONS AND BUSINESSES WHOSE PROPERTY IS INTERSECTED BY THE CITY LIMITS BOUNDARY.

BE IT ORDAINED by the Town Board of the Town of Youngsville, North Carolina as follows:

- I. This ordinance shall be known as the Town of Youngsville, Town Services Ordinance.
- II. If any city limits line for the Town of Youngsville, North Carolina intersects the real property of any person or business, the following rules shall apply regarding the providing of town services and privileges:
 - A. If the main dwelling on said property is equal to or more than Fifty Percent (50%) within the city limits, then that person or business shall be provided town services and privileges.

B. If the main dwelling located on said property is less than Fifty Percent (50%) within the city limits, then he is not entitled to town services and privileges.

C. The main dwelling shall not include any buildings, sheds or other structures not attached to the main dwelling, nor shall it include any structures of a temporary nature such as tents, etc., which are attached to the main dwelling. The main dwelling, however, does include attached garages which are closed in on at least three sides.

THIS ORDINANCE was introduced and passed its first reading at a meeting of the Town Board held on the 5th day of March, 1987, and ordered published as by law provided.

This the 4th day of March, 1987.

Lynwood Buffaloe
Mayor, Town of Youngsville

Attest:

Diane T. Hill

Clerk, Town of Youngsville

BILLING RULES – REVISION OF 4.301

4.301 PAST AND CURRENT RULING ON COLLECTION OF DELINQUENT WATER AND GARBAGE BILLS

Deposits:

In order to have water/sewer services turned on, a water deposit must be made. For anyone who owns the property, a water deposit in the amount of \$65.00 is due. For anyone who is renting a residence, a water deposit in amount of \$100.00 for the first person plus \$50.00 each additional person is due. For any business that is renting a building, a water deposit in the amount of \$125.00 is due. Deposits are refundable once the account has been closed out. The deposit will be applied to any remaining amount due and if there is any portion of the deposit remaining, it will be refunded. Garbage only accounts do not need a deposit on record.

Anyone wishing to tap on to a town water or sewer line is due to pay the required fee of cost plus 10%, in advance; before water is connected. After the tap has been made, a water deposit is still required for active service.

Billing:

Water meters are read the 15th day of each month and water bills are mailed out by Town Clerk no later than the 20th day of each month. Garbage is included on the water bills and is mandatory. Garbage is billed a month in advance. Garbage Only accounts are mailed out the same time as the water bills.

Bills are due to be paid by 5:00pm on the last working day of each month. Bank Drafts will be done the first working day of the following month. Note: No late fee will be accessed on Bank Draft accounts. Any payment not received by 5:00pm on the last working day of the month will have a late fee of 10% of the current bill applied to their account. Any payment not received by the 10th day of the month will be turned off for nonpayment. When water is turned off, a \$25.00 reconnection fee is charged to each account. In order to have services reinstated, all money due on the account will have to be paid in full.

Notation:

For accounts that are either never or rarely delinquent, a phone call shall be made or a late notice shall be posted at their residence in order to facilitate payment. No more than 2 calls or late notices shall be made each year. Accounts that are consistently late shall be turned off accordingly.

Adopted this 11th day of August, 2011.

Samuel K Hardwick, Mayor

ATTEST:

Emily Hurd, Town Clerk

CHAPTER 5

TRAFFIC

WORDS AND PHRASES DEFINED

5.101 DEFINITION OF WORDS AND PHRASES. The following words and phrases when used in this Chapter shall for the purpose of this Chapter, have the meanings respectively ascribed to them in this Article, except in those instances where the context clearly indicates a different meaning.

(a) Authorized Emergency Vehicle. Vehicles of the Fire Department, police vehicles and such ambulances designated or authorized by the Chief of Police.

(b) Block. A portion of any street located between two intersections next adjacent to each other.

(c) Business District. The territory contiguous to a highway when fifty percent (50%) or more of frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

(d) Crosswalk. That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(e) Driver. Every person who drives or is in actual physical control of a vehicle.

(f) Intersection. The area embraced within the prolongation of the lateral curb lines or if none, then the lateral boundary lines of two or more highways which join one another at an angle whether or not one such highway crosses the other.

(g) Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(h) Official Time Standard. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this Town.

(i) Official Traffic Control Devices. All signs, signals, markings, and devices not inconsistent with this Ordinance placed or erected by authority of the governing body or official having jurisdiction, for the purposes of regulating, warning, or guiding traffic.

(j) Official Traffic Signals. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(k) Park. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(l) Pedestrian. Any person afoot.

(m) Person. Every natural person, firm, co-partnership, association, or corporation.

(n) Police Officer. Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(o) Private Road or Driveway. Every road or driveway not open to the use of the public for purposes of vehicular travel.

(p) Public Conveyance. Any vehicle other than a taxicab or railroad train for transporting for fare.

(q) Residence District. The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(r) Right-of-Way. The privilege of the immediate use of the roadway.

(s) Roadway. That portion of a street improved, designed, or ordinarily used for vehicular travel.

(t) Safety Zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(u) Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(v) Standing. Any stopping of a vehicle, whether occupied or not.

(w) Stop, when required, means complete cessation of movement.

(x) Stop or Stopping, when prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

(y) Street or Highway. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purpose of vehicular traffic.

(z) Traffic. Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any street for purposes of travel.

(aa) Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purpose of this Ordinance, a bicycle or a ridden animal shall be deemed a vehicle.

REGISTRATION OF VEHICLES

5.201 MOTOR VEHICLES REQUIRED TO BE REGISTERED: It shall be a requirement for each vehicle registered to a Town of Youngsville resident to pay a \$5.00 per vehicle fee. This fee shall be billed along with the vehicle tax billed by the Franklin County Tax Assessors office. Franklin County shall charge 1 ½ % of the funds collected as their fee.

5.202 through 5.204.3 repealed October 2011

REQUIRED OBEDIENCE TO TRAFFIC-REGULATIONS AND POLICE OFFICERS

5.301 REQUIRED OBEDIENCE TO TRAFFIC ORDINANCE. It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required, in this Chapter.

5.302 OBEDIENCE TO POLICE. No person shall willfully fail, or refuse, to comply with any lawful order, or direction, by a police officer.

5.303 AUTHORITY OF POLICE IN SPECIAL CASES. In the event of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this Chapter.

5.304 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS. The provisions of this Ordinance shall apply to the driver of any vehicle owned by, or used in the service of, the United States Government, this State, County or Town and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this Ordinance, or by State Statute.

5.305 EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES.

(a) The provisions of this Ordinance regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this Ordinance, except as follows:

A driver when operating such vehicle in any emergency, except when otherwise directed by a police officer, may-

(1) Park or stand, notwithstanding the provisions of this Ordinance.

(2) Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation.

(3) Exceed the prima facie speed limits so long as he does not endanger life or property.

(4) Disregard regulations governing direction of movement, or turning, in specified directions so long as he does not endanger life or property.

(b) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of other.

5.306 PERSONS PROPELLING PUSH CARTS, OR RIDING BICYCLES OR ANIMALS, TO OBEY TRAFFIC REGULATIONS. Every person propelling any push cart, or riding a bicycle or an animal, upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Ordinance applicable to the driver of any vehicle, except those provisions of this Chapter which, by their very nature, can have no application.

OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES

5.401 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

(a) The driver of any vehicle shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the traffic ordinances of this Town, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle, in Article III, Section 5, of this Chapter.

(b) No provision of this Chapter for which signs are required, shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

5.402 OBEDIENCE TO NO-TURN SIGNS AND TURNING MARKERS. Whenever authorized signs are placed erected, or installed indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing, or turning thereat, no driver of a vehicle shall disobey the directions of such indications.

5.403 OBEDIENCE TO NO-PARKING ZONE AND SAFETY ZONE MARKERS. Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith.

5.404 TRAFFIC CONTROL SIGNAL LEGEND. Whenever traffic is controlled by traffic control signals exhibiting the words "Go", "Caution", or "Stop", or exhibiting differently colored lights, successively, one at a time, the following colors only shall be used, and said terms and lights shall indicate as follows:

(a) Green alone, or "Go".

(1) Vehicular traffic facing the signal may proceed straight through, or

turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians, lawfully within the intersection at the time such signal is exhibited.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow alone, or "Caution", when shown following the green or "Go" signal.

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(2) Pedestrians facing such signal are hereby advised that there is insufficient time to cross a roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(c) Red alone, "Stop".

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection, or at such other point as may be indicated by a clearly visible line, and shall remain standing until green or "Go" is shown alone.

(2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Red with green arrow.

(1) Vehicular traffic facing such signal may cautiously enter the intersection, only to continue the movement in the direction indicated by such arrow, but shall not interfere with other traffic.

(2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

5.405 FLASHING SIGNALS. Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

STOPPING, STANDING, AND PARKING

5.501 VEHICLES NOT TO STOP IN STREETS. EXCEPTIONS. No vehicle shall stop in any street except for the purpose of parking as prescribed in this Chapter, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by the giving of traffic signals, by the passing of some other vehicle or a pedestrian, or by some emergency; and in any case covered by these exceptions said vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if such can be avoided.

5.502 VEHICLES NOT TO OBSTRUCT PASSAGE OF OTHER VEHICLES. No vehicle shall so stand on any street as to interrupt, or interfere with, the passage of public conveyances or other vehicles.

5.503 PARKING PROHIBITED AT ALL TIMES IN DESIGNATED PLACES. When signs are placed, erected, or installed, giving notice thereof, or the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets described in Schedule I, attached to and made a part of this Ordinance.

5.504 PARKING PROHIBITED DURING CERTAIN HOURS IN DESIGNATED PLACES. When signs are placed, erected, or installed in each block, giving notice thereof, no person shall park a vehicle between the hours of 1:00 A.M., and 6:00 A.M., upon any of the streets described in Schedule II, attached and made a part of this Ordinance, unless other hours are designated in the said schedule, provided that this section shall not apply to automobiles, or other vehicles, parked on said streets between the hours of 1:00 A.M., and 6:00 A.M., when the owners thereof are at work in the building, or on the premises, in front of, or near, which said automobiles, or other vehicles, are parked.

5.505 PARKING TIME LIMITED TO TWO HOURS IN DESIGNATED PLACES. When signs are placed, erected, or installed in each block giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 6:00 A.M., and 6:30 P.M., or any day, except Sunday and public holidays, upon any of the streets described in Schedule III, attached to and made a part of this Ordinance, and the changing of the position of a vehicle from one point directly to another point, within the same block, shall be deemed one continuous parking period.

5.506 PARKING TIME LIMITED TO ONE HOUR IN DESIGNATED PLACES. When signs are placed, erected, or installed in each block giving notice thereof, no person shall park a vehicle for longer than one hour at any time between the hours of 6:00 A.M., and 6:30 P.M., of any day, except Sunday and public holidays, upon any of the streets described in Schedule IV, attached to and made a part of this Ordinance, and the changing of the position of a vehicle from one point directly to another point, within the same block, shall be deemed as one continuous parking period.

5.507 PARKING TIME LIMITED TO 10 MINUTES IN DESIGNATED PLACES. When signs are placed, erected, or installed in each block giving notice thereof, no person shall park a vehicle for longer than ten minutes at any time upon any streets described in Schedule V attached hereto and made a part of this Ordinance, and the changing of the position of a vehicle from one point directly to another point within the same block, shall be deemed as one continuous parking period.

5.508 BUS, TAXICAB, AUTOMOBILE OR PUBLIC DRAYS FOR HIRE AND LAW ENFORCEMENT VEHICLE STANDS. Those streets, or parts of streets, described in Schedule VII, attached to and made a part of this Ordinance, shall be reserved as stands for the specific purpose and at the exact location named therein and no automobile or other vehicle shall park therein, except those for which the space or stand has been designated.

5.509 PARKING OF TAXICABS WITHIN THE SAME BLOCK. Not more than two taxicabs owned by the same company, shall be parked in one block at the same time, except such taxicabs as may be parked in established taxi stands as set out in Section 8 of this Article.

5.510 PARKING PARALLEL TO CURB, UNLESS OTHERWISE DIRECTED BY THIS CHAPTER, OR BY PARKING LINES. Where not otherwise indicated by this Ordinance, and

where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than twelve inches thereto.

5.511 VEHICLES BACKED UP TO CURB. In no case shall a vehicle remain backed up to curb, except when actually loading or unloading. If the vehicle be horse drawn, the horse, or horses, shall stand parallel to the curb and face the direction of traffic.

5.512 LEFT SIDE TO CURB NOT PERMITTED IN BUSINESS DISTRICT. No vehicle shall stop with its left side to the curb in the business district, except that on one-way streets vehicles shall stop headed in the direction of traffic.

5.513 PARKING WITHIN LINES WHERE PROVIDED. On any street which is marked off with lines indicating the parking spaces for cars, the same shall be parked between said lines.

5.514 DOUBLE DIAGONAL PARKING. Double diagonal parking, at an angle of approximately 45 degrees, shall be allowed in the center of _____ between _____ Street and _____ Street.

5.515 PARKING AT 45 DEGREE ANGLE. Automobiles and other vehicles shall be parked at an angle of approximately 45 degrees with the curb on those streets, or parts of streets, described in Schedule VI, attached and made a part of this Ordinance.

5.516 UNLAWFUL PARKING. No person shall stand, or park a vehicle upon any street for the principal purpose of:

- (a) Displaying it for sale.
- (b) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.
- (c) Storage thereof by garages, dealers or other persons when such storage is not incident to the bona-fide use and operation of such automobile or other vehicles.
- (d) Storage of any detached trailer, or van, when the towing unit has been disconnected, or for the purpose of transferring merchandise, or freight, from one vehicle to another.

5.516.1 AMENDMENT TO ARTICLE XVI (TRAFFIC REGULATION)

SECTION 1. UNLAWFUL PARKING. No person shall stand, or park a vehicle upon any street for the principal purpose of:

- (a) Displaying it for sale.
- (b) Washing, greasing, or repairing, excepting repairs necessitated by an emergency.
- (c) Storage.
- (d) Storage of any detached trailer, or van when the towing-unit has been disconnected.
- (e) Transferring merchandise or freight from one vehicle to another.

That this ordinance shall be in full force and effect from and after the date of the passage thereof.

Members Present: W.S. Pearce, W.T. Moss, J.T. Allen and W.P. Pearce.

Members voting "Aye": W.S. Pearce, W.T. Moss, J.T. Allen, W.P. Pearce.

Members voting "No": none

Passed by the Commissioners of the Town of Youngsville, by a two-thirds majority of those present at its meeting held on the 4th day of September, 1950.

(A.E. Hall)

Mayor

(SEAL)
Attest:
(W. Rudy Evans)
Town Clerk

5.517 STANDING OR PARKING VEHICLES FOR PRIMARY PURPOSE OF ADVERTISING PROHIBITED. No person shall stand, or park, on any street any vehicle for the primary purpose of advertising.

5.518 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand, or park, a vehicle except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic control device in any of the following places:

- (a) On the sidewalk.
- (b) Within an intersection.
- (c) On a crosswalk.
- (d) Within thirty feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
- (e) Along side or opposite any street excavation or obstruction, when such stopping, or standing, or parking would obstruct traffic.
- (f) Upon any bridge or other elevated structure or within any underpass structure.
- (g) Within fifteen feet in either direction of the entrance to a hotel, theater, hospital, sanatorium, or any public building.
- (h) On the roadway side of any vehicle stopped, standing, or parked at the edge or curb of a street.

5.519 MOVING OF VEHICLES OF OTHER OPERATORS INTO RESTRICTED AREAS PROHIBITED. No person shall move a vehicle not owned by such person, into any prohibited area, or sufficiently away from curb to make such distance unlawful.

5.520 HANDICAP PARKING. Without privilege [(parking) (leave standing)] a vehicle in a space designated for handicapped and visually impaired persons when such vehicle does not display the distinguishing license plate or placard.

OPERATION OF VEHICLES

5.601 STOP BEFORE ENTERING A THROUGH STREET.

(a) Those streets and parts of streets, described in Schedule IX, attached hereto and made a part hereof, are hereby declared to be through streets for the purpose of this Section.

(b) When stop signs are placed, erected, or installed upon highways intersecting a through street at the entrance thereto, or at the entrance to any intersection, every driver of a vehicle, or street car, shall stop in obedience to such signs before entering the intersection and shall not proceed into, or across, the through street until he has first determined that no conflict with traffic will be involved.

5.602 STOP BEFORE ENTERING CERTAIN STREET INTERSECTIONS. Those intersections described in Schedule X, attached hereto and made a part hereof, are hereby declared to be stop intersections when entered from the streets first named, and when stop signs are placed, erected, or installed at such intersections every driver of a vehicle, or street car, shall stop in obedience to such signs before entering the intersection, and shall not proceed into, or

across, the through street until he has first determined that no conflict with traffic will be involved.

5.603 STOP WHEN TRAFFIC OBSTRUCTED. No driver shall enter an intersection, or a marked crosswalk, unless there is sufficient space on the other side of the intersection or crosswalk, to accommodate the vehicle he is operating without obstructing the passage of other vehicles, or pedestrians, notwithstanding any traffic control signal indication to proceed.

5.604 ONE-WAY STREETS. Upon those streets, and parts of streets, described in Schedule VIII, attached hereto and made a part hereof, vehicular traffic shall move only in the indicated direction, when signs indicating the direction of traffic are erected, and maintained, at every intersection where movement in the opposite direction is prohibited.

5.605 DRIVING THROUGH FUNERAL PROCESSIONS. No vehicle shall be driven through a funeral procession, except fire department vehicles, police patrols and ambulances, when the same are responding to calls.

5.606 LEFT TURNS AT CERTAIN INTERSECTIONS AS INDICATED. In making left turns at the street intersections described in Schedule XI, attached hereto and made a part hereof, all traffic shall travel to the left of the center of said intersections as may be indicated by buttons, markers, or other directing signs.

5.607 NO RIGHT OR LEFT TURNS TO BE MADE.

(a) No vehicle shall make a left turn at any street intersection described in Schedule XII, attached hereto and made a part hereof.

(b) No vehicle shall make a right turn at any intersection described in Schedule XIII, attached hereto and made a part hereof.

5.608 LIMITATIONS ON TURNING AROUND. No driver shall turn any vehicle so as to proceed in the opposite direction in the business district, except at street intersections, in the streets, or portions of streets, described in Schedule XIV attached hereto and made a part hereof.

5.609 LIMITATIONS ON BACKING. The driver of a vehicle shall not back the same into any intersection, or over a crosswalk, and shall not in any event, or at any place, back a vehicle unless such movement can be made in safety, and he shall have given ample warning to those who may be behind, by hand and horn or other signal.

5.610 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY. The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk, or into the sidewalk areas extending across any alleyway, and upon entering the roadway he shall yield the right-of-way to all vehicles approaching on said roadway.

5.611 VEHICLES SHALL NOT BE DRIVEN ON THE SIDEWALK. The driver of a vehicle shall not drive within any sidewalk area.

5.612 CLINGING TO MOVING VEHICLES. Any person riding upon any bicycle, motorcycle, coaster, sled, roller-skates, or any toy vehicle, shall not attached the same, or himself, to any public conveyance, or moving vehicle upon any roadway.

5.613 RIDING ON HANDLE-BARS PROHIBITED. The operator of a motorcycle, or bicycle, when upon a street, shall not carry any person upon the handle-bar, frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

5.614 RIDING ON SIDEWALKS, OR WITHOUT HANDS ON HANDLE-BARS, PROHIBITED. No person shall ride a bicycle or motorcycle on any street without having his hands upon the handle-bars, nor shall any person ride a bicycle upon any sidewalk or walkway within the Town.

5.615 USE OF COASTER, ROLLER-SKATES, AND SIMILAR DEVICES RESTRICTED. No person upon roller-skates, or riding in, or by means of, any coaster, toy-vehicle or similar device, shall go upon any roadway, unless it be while crossing a street at a crosswalk or intersection; except upon streets set aside as play streets.

5.616 LIGHTS ON PARKED VEHICLES. The displaying of lights upon a vehicle, when lawfully parked at night upon a street of the Town in accordance with this Ordinance, shall not be required when there is sufficient light to reveal any person with a distance of 200 feet upon such street.

5.617 MOVING CARS FROM PARKED POSITIONS. Cars picked shall move out in the direction headed, or if they are parked at an angle with the curb they shall back out on that angle until they have cleared the other cars and shall then proceed in the direction they are most nearly headed in.

5.618 SPEED-LIMIT. A vehicle may be operated on any street of the Town, designated elsewhere in this Ordinance as a business section, at a rate of speed not exceeding twenty miles per hour, provided, however, that at no time shall the speed be greater than is reasonable and prudent under the conditions then existing. The speed limit on state highways in residential sections shall be 35 miles per hour and 25 miles per hour on all other streets.

5.618.1 CHANGE MADE 4 OCTOBER 1965

BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville:

1. Section 18 of Article VI is hereby amended by adding the following subsections at the end thereof:

(a) The speed limit on Main Street (NC 96) from Cross Street (NC 96, SR 1130) to College Street (US 1-A, NC 96) shall be at a speed not exceeding twenty-five miles per hour.

(b) The speed limit on College Street (US 1-A, NC96) from Main Street (NC 96, SR 1147) to the northern corporate limit, approximately 0.44 mile north of Main Street (NC 96, SR 1147) shall be at a speed no exceeding thirty-five miles per hour.

(c) The speed limit on Nassau Street (SR 1132) from Main Street (SR 1100) to the northern corporate limit, approximately 0.33 mile north of Main Street (SR 1100) shall be at a speed not exceeding thirty-five miles per hour.

(d) The speed limit on Main Street (SR 1100) from Cross Street (NC 96, SR 1130) to the eastern corporate limit, approximately 0.15 mile east of Nassau Street (SR 1132) shall be at a speed not exceeding thirty-five miles per hour.

(e) The speed limit on Cross Street (SR 1130) from Main Street (NC 96, SR 1100) to NC 96 shall be at a speed not exceeding thirty-five miles per hour.

(f) The speed limit on Cross Street (SR 1130) from NC 96 to the southern corporate limit, approximately 0.25 mile south of NC 96 shall be at a speed limit not exceeding thirty-five miles per hour.

(g) The speed limit on Wake Forest Road (US 1-A) from Main Street (NC 96, SR 1147) to the southern corporate limit, approximately 0.22 mile south of Main Street (NC 96, SR 1147) shall be at a speed not exceeding thirty-five miles per hour.

2. That the above subsections, (a) through (g) shall take effect upon the adoption by the State Highway Commissioner of concurring ordinances and the erection of signs giving notice of the authorized speed limits.

5.618.2 CERTIFICATION OF MUNICIPAL ORDINANCE DECLARING A SAFE AND REASONABLE SPEED AND REQUEST FOR CONCURRING ORDINANCE BY STATE HIGHWAY COMMISSION TO THE NORTH CAROLINA STATE HIGHWAY COMMISSION:

I, Elizabeth P. Cheatham, Clerk of the Town, of Youngsville, do hereby certify that the Commissioners of the Town, duly enacted on the 5th day of October, 1965, an ordinance based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141 (g1) & (g2) determining and declaring a safe and reasonable speed limit of 35 miles per hour on the following described portion of a State Highway System Street:

1. College Street (US1-A, NC96) from Main Street (NC 96, SR 1147) to the northern corporate limit, approximately 0.44 mile north of Main Street (NC 96, SR 1147).
2. Nassau Street (SR 1132) from Main Street (SR 1100) to the northern corporate limit, approximately 0.33 mile north of Main Street (SR 1100).
3. Main Street (SR 1100) from Cross Street (NC 96, SR 1130) to the eastern corporate limit, approximately 0.15 mile east of Nassau Street (SR 1132).
4. Cross Street (SR 1130) from Main Street (NC 96, SR1100) to NC 96.
5. Cross Street (SR1130) from NC 96 to the southern corporate limit, approximately 0.25 mile south of NC 96.

6. Wake Forest Road (US1-A) from Main Street (NC 96, SR 1147) to the southern corporate limit, approximately 0.22 mile south of Main Street (NC 96, SR 1147).
said ordinance to become effective upon adoption by the State Highway Commissioner of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book 5 at age 99.

In witness whereof, I have hereunto set my hand and the seal of the Town of Youngsville, this 10th day of October, 1965.

Elizabeth P. Cheatham, Clerk

5.618.3 CERTIFICATION OF MUNICIPAL ORDINANCE DECLARING A SAFE AND REASONABLE SPEED AND REQUEST FOR CONCURRING ORDINANCE BY STATE HIGHWAY COMMISSION TO THE NORTH CAROLINA STATE HIGHWAY COMMISSION:

I, Elizabeth P. Cheatham, Clerk of the Town, of Youngsville, do hereby certify that the Commissioners of the Town, duly enacted on the 5th day of October, 1965, an ordinance based upon an engineering and traffic investigation pursuant to authority granted by G.S. 20-141 (g1) & (g2) determining and declaring a safe and reasonable speed limit of 25 miles per hour on the following described portion of a State Highway System Street:

1. Main Street (NC 96) from Cross Street (NC 96, SR 1130) to College Street (US 1-A, NC 96).

said ordinance to become effective upon adoption by the State Highway Commissioner of a concurring ordinance and the erection of signs giving notice of the authorized speed limit; that said ordinance is recorded in Minute Book 5 at age 99.

In witness whereof, I have hereunto set my hand and the seal of the Town of Youngsville, this 10th day of October, 1965.

Elizabeth P. Cheatham, Clerk

5.619 DRIVING ON ROADWAYS LANE FOR TRAFFIC. All vehicles operated on any roadway which has been clearly marked with lanes for traffic, shall be driving as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

5.620 DRIVING OVER FIRE-HOSE. No vehicle shall be driven over any hose of the fire department when laid down on any street, or driveway, to be used at any fire, without the consent of the fire department official in command.

5.621 METHOD OF MOTOR VEHICLE OPERATION PROHIBITED:

Upon motion by Commissioner E.J. Pearce, seconded by Commissioner D.H. Cyrus, the following ordinance was passed in regular meeting January 4, 1971:

No person shall upon the public street, highway, road, alley, drive or other public way, or upon the grounds and premises of any service station, school, drive-in business, restaurant or other business establishment providing parking or loading and unloading automobile space for customers, patrons or the public, operate a motor vehicle from a standing or parked position by rapid acceleration and or other mechanical means of operation so as to cause the wheels of the vehicle to spin in place prior to and or during the initial forward movement from a standing or parking position to travel at rate of speed greater than is reasonable and necessary for the normal operation of the vehicle according to accepted standard practice for vehicle operation; or at a rate of speed or in such a manner that will endanger or likely to endanger person or property, and without due caution. These methods of vehicle operation are sometimes referred to as "Scratching Off".

Commissioners present: E.J. Pearce, D.H. Cyrus, W.T. Moss, voted in affirmative for passage of this ordinance; this 4th day of January 1972. This ordinance shall be in full force and effects upon its passage.

Wiley M. Roberts, Mayor

Attest:

Elizabeth P. Cheatham
Elizabeth P. Cheatham, Clerk

5.621.1 METHOD OF MOTOR VEHICLE OPERATION PROHIBITED*CHAPTER F
PAGE 17 Section 7:**

Upon motion by Commissioner E.J. Pearce, seconded by Commissioner D.H. Cyrus, the following ordinance was passed in regular meeting January 4, 1972:

Method of motor vehicle operation prohibited: No person shall upon the public way, public street, highway, road, alley, drive, or upon the grounds and premises of any service station, school, drive-in business, restaurant or other business establishment providing parking or loading and unloading automobile space for customers, patrons or the public, operate a motor vehicle from a standing or parked position by rapid acceleration and or other mechanical means of operation so as to cause the wheels of the vehicle to spin in place prior to and or during the

initial forward movement from a standing or parking position to travel at rate of speed greater than is reasonable and necessary for the normal operation of the vehicle according to accepted standard practice for vehicle operation; or at a rate of speed or in such a manner that will endanger or likely to endanger person or property, and without due caution. These methods of vehicle operation are sometimes referred to as "Scratching-Off".

Commissioners present and voting in affirmative for passage of this ordinance: E.J. Pearce, D.H. Cyrus, W.T. Moss. On this day of January 4th 1972. This ordinance shall be in full force and effective upon its passage.

(Wiley M. Roberts)
Wiley M. Roberts, Mayor

Attest:
(Elizabeth P. Cheatham)
Elizabeth P. Cheatham, Clerk

MISCELLANEOUS REGULATIONS

5.701 BOARDING, OR ALIGHTING FROM, PUBLIC CONVEYANCES OR OTHER VEHICLES. No person shall board, or alight from, any public conveyance, or other vehicle, while such conveyance, or other vehicle, is in motion.

5.702 UNLAWFUL RIDING. No person shall ride on any public conveyance, or vehicle, or any portion thereof, not designed, or intended, for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in spaces intended for merchandise.

5.703 ENTERING, JUMPING ON, OR RIDING VEHICLES WITHOUT PERMISSION. No person shall enter, jump on, or ride any automobile, or other vehicle, without the consent of the owner or driver.

5.704 PERSONS RIDING MUST STAY INSIDE. No person when riding shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are by law required, and no person shall hang on to any vehicle whatsoever.

5.705 NOT MORE THAN THREE PERSONS PERMITTED IN FRONT SEAT. It shall be unlawful for the driver, or the person in charge, of any motor vehicle to permit more than three persons (including driver) to ride in the front, or driver's seat of a motor vehicle.

5.706 TRAINS BLOCKING CROSSING REGULATED. It shall be unlawful for any person, firm, or corporation to allow a railroad train, locomotive, or any railroad vehicle to stand upon a public crossing, or any part thereof, for more than five minutes at any time.

5.707 AVOIDANCE OF OFFICIAL TRAFFIC-CONTROL DEVICES. Traffic-control devices are erected for the safety of the public. It shall be unlawful for anyone to operate a motor vehicle upon or over a public road, right of way or public vehicular area by leaving the roadway and proceeding around an officially erected traffic-control device for the purpose of avoiding obeying said traffic-control device.

Adopted this the 11th day of September, 1997.

James E. Underwood, Mayor

ATTEST:

Brenda T. Patterson, Town Administrator

5.708 OPERATION OF HEAVY TRUCKS ON LOCAL RESTRICTED STREETS.

It shall be unlawful for any multi-axle vehicle with authorized gross vehicular weight exceeding 26,000 pounds to travel on any Town maintained street when signs have been erected along said streets prohibiting such thru traffic. However, local traffic exceeding said weight shall be allowed for the purpose of serving properties along said streets.

Adopted this the 11th day of September, 1997.

James E. Underwood, Mayor

ATTEST:

Brenda T. Patterson, Town Administrator

5.709 EXCESSIVE FALSE ALARMS. Any residence or business which allows an alarm system to malfunction more than three times in any thirty (30) day period after having been warned in writing by the police department on each occasion, shall be subject to a \$100.00 fine for each additional false alarm, not to exceed \$500.00 in any thirty (30) day period.

This to be under civil penalty

Adopted this the 11th day of August, 2005.

Leelan A. Woodlief, Mayor Pro-tem

Brenda T. Robbins, Town Administrator

CHAPTER 6

HEALTH PROTECTION AND DISEASE PREVENTION

6.100 AN ORDINANCE OF THE COMMISSIONERS OF THE TOWN OF YOUNGSVILLE

6.100.1 PERSONNEL OF HEALTH DEPARTMENT. The Health Department of the Town of Youngsville shall be under the supervision and control of the County Board of Health, the County Health Officer, and such assistants or inspectors as are necessary for the proper administration of this chapter.

6.100.2 ENFORCEMENT OF THIS CHAPTER UNDER THE SUPERVISION OF COUNTY HEALTH OFFICER. The enforcement of this chapter shall be under the supervision of the County Health Officer.

6.100.3 UNLAWFUL TO HINDER HEALTH OFFICER OR ASSISTANTS. It shall be unlawful for any person to hinder, obstruct or delay the County Health Officer or any of his assistants in the lawful discharge of their duties.

6.100.4 RIGHT TO ENTER. The County Health Officer or any of his assistants shall have the right to enter at any reasonable time any premises for the purpose of making the inspections or investigations as required by this chapter.

6.100.5 REMOVAL OF NUISANCES. The owner, lessee, tenant, or occupant of any building or premises where there shall be a nuisance or any violation of any ordinance of the Town relating to Health or sanitation shall be jointly and severally liable therefore and may be required to abate the same or comply with the order of the County Health Officer or his assistants within the specified time within the order.

6.100.6 RUBBISH PLACED ON STREETS OR SIDEWALKS. It shall be unlawful for any person to place in or on any street, sidewalk or alley, public highway or any private premises any rubbish, dirt or filth of any kind whatsoever, which would render the streets and premises unclean, except in proper receptacles accessible to Town garbage wagons.

6.100.7 REMOVAL OF CARCASES. The owner of any animal which may die shall remove the carcass from the Corporate limits of the Town, where it shall be buried.

6.100.8 STAGNANT WATER ON PREMISES. No person shall knowingly and willfully permit any refuse or stagnant water to remain in any pool or receptacle on his premises after being notified to remove the same by the Police Department.

6.100.9 HOG PENS. No person shall be permitted to keep or maintain any hog pen, or keep any hogs, within one hundred and fifty feet of the corporate limits.

6.100.10 CONNECTION TO SEWER REQUIRED. An owner of any property located on or near any line of the sewerage system must connect with such sewerage all water closets, bath tubs, lavatories, sinks or drains upon their respective properties or premises, so that their contents will empty into such sewer.

(a) No person shall maintain or use a residence located within three hundred yards of another residence, that is not provided with sewerage, where such sewerage is available, or with Sewerage tanks, i.e., septic tanks, approved by the State Board of Health, or with Sanitary Privy which complies in construction and maintenance with the requirements of the State Board of Health.

(b) No person shall, after having an outdoor privy condemned, rebuild said outdoor privy, but must connect to the town sewer system where such connection is available. If such connection is not available a Septic tank meeting all requirements of the State Board of Health must be built, or an outdoor privy complying with said Board of Health requirements.

That this ordinance shall be in full force and effect from and after the date of the passage thereof.

Members Present: W.S. Pearce, W.T. Moss, J.A. Green, W.P. Pearce and J.T. Allen.

Members voting "Aye" W.S. Pearce, W.T. Moss, J.A. Green, W.P. Pearce and J.T. Allen.

Members voting "No" none

Passed by the Commissioners of the Town of Youngsville, by a two-thirds majority of those present at its meeting held on the 6th day of March 1950.

(A.E. Hall)

A.E. Hall, Mayor

(SEAL)

Attest:

(W.R. Evans)

W.R. Evans, Town Clerk

GENERAL REGULATIONS

6.101 ENFORCEMENT OF THIS CHAPTER UNDER SUPERVISION OF THE TOWN CODE ADMINISTRATOR.

The enforcement of this chapter shall be under the supervision of the Town Code Administrator. The Town Code Administrator may delegate any of his functions and powers under this Chapter to such officers and agents as he may designate.

6.102 UNLAWFUL TO HINDER CODE ADMINISTRATOR OR DESIGNEES.

It shall be unlawful for any person to hinder, obstruct or delay the Code Administrator or his designees in the lawful discharge of their duties.

6.103 RIGHT TO ENTER.

The Code Administrator or his designees shall have the right to enter at any reasonable time any premises for the purpose of making the inspections or investigations as required by this chapter, in accordance with applicable law.

6.104 PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY

6.104.1 Administration.

For the purpose of this Chapter, the term "nuisance" shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens

or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

Section 6.104.2 Declaration of Public Nuisance

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

- (1) Any weeds or other vegetation having an overall height of more than ten (10) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants. It shall be the duty of every person occupying, owning or having control of property abutting on a street or highway that utilizes a portion of the unused street or highway right-of-way as a yard or any other use to maintain said right-of-way in the same character and manner as the abutting use.
- (2) Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.
- (3) An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.
- (4) An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.
- (5) An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.
- (6) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.
- (7) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

- (8) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property
- (9) A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.
- (10) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
- (11) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.
- (12) A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.
- (13) Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.
- (14) Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.
- (15) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.

- (16) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.
- (17) Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.
- (18) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
- (19) Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.
- (20) Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
- a. A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
 - b. A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or
 - c. In a condition allowing the collection of pools or ponds of water; or
 - d. A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
 - e. An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
 - f. So situated or located that there is a danger of it falling or turning over; or
 - g. A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
 - h. One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
 - i. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.
- (21) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

Section 6.104.3 Complaint; Investigation of Public Nuisance

- (1) When any condition in violation of this section is found to exist, the Code Administrator or such persons as may be designated by the Board of Commissioners shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for

identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the city may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

- (a) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
 - (b) By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.
 - (c) By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (a) and (b).
- (2) The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of this chapter, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation. The expense of such action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice 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 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three times under any provision of the public nuisance ordinance.

Section 6.104.4 Abatement Procedure.

If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Section 6.104.5 Procedure Is Alternative

The procedure set forth in this Chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances. 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 as set forth in Chapter 12, Section 12.101, General Penalty, of the Code of Ordinances of the Town of Youngsville.

PART TWO. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART THREE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FOUR. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART FIVE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 13th day of March, 2014.

6.105 HUMAN WASTE. No person shall urinate or deposit any human waste of any kind on any street, lot or premises except in approved sanitary facilities.

6.106 STAGNANT WATER. No person or occupant of any property shall allow stagnant water to accumulate or remain in cellars or anywhere on their property.

6.107 SALE OF FOOD – Repealed and Reserved

6.108 CONSTRUCTION DEBRIS CONTAINMENT REQUIRED

(A) For the purpose of this Section, the following definitions may apply:

- (1) “Containment device” shall mean a mobile container designed for containment and/or disposal of construction debris, rubbish, trash, junk, and scrap materials. The containment device shall be constructed in such a manner as to effectively contain construction debris and shall have an attached lid or cover capable of preventing the escape of debris.
- (2) “Construction site” shall mean each and every lot upon which a building, dwelling or structure is being or is intended to be constructed, renovated or demolished.
- (3) “Construction debris” shall mean miscellaneous and various materials commonly discarded during the construction, renovation, or destruction of a dwelling or other structure, including but not limited to: shingles, scrap wood, packaging materials, nails, tarps, insulation, drywall, paint and stain containers, roofing materials, pipes, wires, hoses, tubing, electrical supplies, trash, paper products or similar items.
- (4) “Lot” shall mean a parcel of land occupied or intended to be occupied, by a building and its accessory buildings, or by a group of dwellings and their accessory buildings, together with any open spaces.

(B) Construction debris containment device required.

- (1) A construction debris containment device shall be required for each and every construction site for the purpose of disposing of all construction debris. The construction debris containment device shall be installed or placed on site prior to

commencement of the activity and shall remain on the construction site until such time as a certificate of occupancy has been issued by the Town or its agent. The construction debris containment device shall be regularly emptied and continually maintained in a neat and orderly condition. The Code Administrator shall determine if the construction debris containment device is in compliance with the intent of this section.

- (2) It shall be unlawful for any person, firm, corporation, partnership or other entity to maintain a construction site without providing, at the construction site, a construction debris containment device as prescribed herein. It shall be unlawful to maintain a construction debris containment device which is not maintained as prescribed herein, regularly emptied and continually kept in a neat and orderly condition.

(C) Abatement Procedure.

If the owner of any property, or if any firm, corporation, partnership or other entity is found in violation of this Chapter and fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

(D) Procedure Is Alternative

The procedure set forth in this Chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances. 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 as set forth in Chapter 12, Section 12.101, General Penalty, of the Code of Ordinances of the Town of Youngsville.”

PART TWO. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART THREE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FOUR. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART FIVE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 13th day of March, 2014.

6.109 ABANDONED, JUNKED AND NUISANCE VEHICLES

Section 6.109.1 Administration.

The Police Department and the Code Administrator of the Town shall be responsible for the administration and enforcement of this Chapter. The Police Department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the Town, and on property owned by the Town. The Code Administrator shall be responsible for administering the removal and disposal of "abandoned", "nuisance" and "junked" motor vehicles located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this Chapter and applicable State laws. Nothing in this Chapter shall be construed to limit the legal authority or powers of officers of the Town Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

State law reference—Town authority for removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303 as amended. Town authority for regulation of abandonment of junked motor vehicles, G.S. 160A-303.2 as amended.

Section 6.109.2 Definitions.

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

- (a) Abandoned vehicle: As authorized and defined in G.S. 160A-303, an abandoned vehicle is one that:
 - (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
 - (2) Is left upon a public street or highway for longer than seven (7) days; or
 - (3) Is left upon property owned or operated by the Town for longer than twenty-four (24) hours; or
 - (4) Is left upon private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours.
- (b) Authorized Official: The supervisory employee of the Police Department or the Town Code Administrator, respectively, designated to order the removal of vehicles under the provisions of this Chapter.
- (c) Motor vehicle or vehicle: All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.
- (d) Junked motor vehicle: As authorized and defined in G.S. 160A-303.2, the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:
 - (1) Is partially dismantled or wrecked; or

- (2) Cannot be self-propelled or move in the manner in which it originally was intended to move; or
 - (3) Is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).
- (e) Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
 - (2) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or
 - (3) In a condition allowing the collection of pools or ponds of water; or
 - (4) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
 - (5) One which has areas of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
 - (6) So situated or located that there is a danger of it falling or turning over; or
 - (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
 - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
 - (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

Section 6.109.3 Abandoned vehicle unlawful, removal authorized.

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

Section 6.109.4 Nuisance vehicle unlawful, removal authorized.

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

Section 6.109.5 Junked motor vehicle regulated, removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this Chapter.
- (c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements or the concealment requirements of this Chapter.
- (d) Subject to the provisions of subsection (e), upon investigation, the Town Code Administrator may order the removal of a junked motor vehicle found in violation of this Chapter to a storage garage or area. No such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the Code Administrator finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following among other relevant factors may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness and emotional stability of the area residents.
- (e) Permitted concealment or enclosure of junked motor vehicles:
 - (1) One junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Town Zoning Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an acceptable covering for not more than sixty (60) calendar days. Junked motor vehicles kept on the premises more than sixty (60) calendar days shall be kept inside a completely enclosed building. The Town Code Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate.
 - (2) Any one or more junked motor vehicle(s) kept for a period exceeding sixty (60) calendar days shall be kept within a completely enclosed building, as defined in the Town Zoning Ordinance.

Section 6.109.6 Removal of abandoned, nuisance, or junked motor vehicles; pre-towing notice requirements.

- (a) Except as set forth in Section 6.109.7 below, an abandoned, nuisance, or junked motor vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to whom and to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven (7) days after the notice is mailed or affixed, unless the vehicle is moved by the owner or legal possessor prior to that time.
- (b) With respect to abandoned vehicles on private property, nuisance vehicles and junked vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Town Clerk in writing, heard at the next regularly scheduled meeting of the Board of Commissioners, acting in the capacity of the Appeals Board, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Section 6.109.7 Exceptions to prior notice requirement.

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

- (a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Board of Commissioners hereby determines that the immediate removal of such vehicles may be warranted when they are:
 - (1) Obstructing traffic.
 - (2) Parked in violation of an ordinance prohibiting or restricting parking.
 - (3) Parked in a no-stopping or standing zone.
 - (4) Parked in loading zones.
 - (5) Parked in bus zones, or

(6) Parked in violation of temporary parking restrictions.

(b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on Town-owned property other than the streets or highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Section 6.109.8 Removal of vehicles; post-towing notice requirements.

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

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

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

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

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

Section 6.109.9 Right to probable cause hearing before sale or final disposition of vehicle.

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

Magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11, as amended.

Section 6.109.10 Redemption of vehicle during proceedings.

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

Section 6.109.11 Sale and disposition of unclaimed vehicle.

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

Section 6.109.12 Conditions on removal of vehicles from private property.

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

Section 6.109.13 Protection against criminal or civil liability.

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

Section 6.109.14 Exceptions.

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

Section 6.109.15 Unlawful removal of impounded vehicle.

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

Section 6.109.16 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, as set forth in Chapter 12, Section 12.101, General Penalties; Enforcement of Ordinances; Continuing Violations, of the Code of Ordinances of the Town of Youngsville.”

PART TWO. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

PART THREE. This Ordinance shall become effective upon its adoption by the Town Board of Commissioners of the Town of Youngsville, North Carolina.

PART FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SIX. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 13th day of March, 2014.

GARBAGE AND REFUSE COLLECTION

6.201 DEFINITIONS. Garbage, as the term is used in this Article, shall be held to mean and include all refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any such matter has been put up or stored, and all rags, waste paper, floor sweepings and other combustible refuse, except building material, scrapes and tree trimmings.

6.202 GARBAGE REQUIRED TO BE PROMPTLY REMOVED. No garbage that has become decayed or that shall otherwise be a menace to health, or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, cafe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter in this Article.

6.203 GARBAGE RULES. The Town of Youngsville provides its citizens with a garbage service for a set fee. This service is mandatory. Household garbage ONLY allowed in the roll carts and ALL garbage must be in bags. Loose materials are not allowed. Residential and Business pick-up is done once a week on Tuesday and should be at the curbside by 7:00am. Each business and residence is furnished a 90 gallon roll cart. Use of extra cans is now prohibited. These conditions must be met for household garbage to be picked up in accordance

with the contract between the Town and the sanitation service. Fees are included with the monthly water bill. Residents can rent an extra 90 gallon roll cart for an extra fee per month. Curbside recycling is also available to town residents. Allowable items are: Plastic bottles (numbers 1-7, No oils or pesticides); Glass - brown and clear; Aluminum cans and newspapers. Cardboard should be broken down and placed at curbside for Monday pick up. The Town Truck also picks up garbage that is not allowed in the roll carts on Mondays.

The rules are as follows for curbside pickup by the Town:

1. Monday will be the scheduled pick-up days by the Town truck.
2. 30 gallon garbage can a maximum, if can is used.
3. 50 pound weight maximum for each item
4. No automotive or truck parts
5. No lumber or building materials from demolished, remodeled or new buildings or houses.
6. No large trees that have been cut by tree removal companies or individuals regardless of size
7. No tree or shrubbery limbs that are cut in pieces over 5 feet in length
8. No item that one person cannot safely load
9. No full truck loads of anything without a \$50.00 (MINIMUM) per load plus actual tipping fees
10. Cardboard recycling containers are located in three convenient locations: beside the Youngsville ABC Store, Griffin's parking lot, and beside the railroad tracks on N. E. Railroad Street. Or cardboard can be broken down and placed by the curb for Monday pick-up.
11. Leaf Season runs from the first Wednesday of November to the first Wednesday of February. During Leaf Season, the Town will pick up leaves that are raked to the side of the road on Wednesdays, weather permitting. They should be in neat piles with no sticks, twigs, or rocks mixed in with them. During other times of the year, leaves, grass clippings, pine straw, pine cones, flowers, etc. will be picked up the 1st Wednesday of each month. Please do not bag your leaves, etc. All leaves, etc. should be raked to the curbside.

6.204 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY. No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the city limits, except in garbage cans or garbage vehicles as provided in this Chapter.

6.205 REMOVAL OF DEAD ANIMALS. A dead animal, not owned by or under the care of, the property owner will be removed by the Town.

*NOTE: This revises the previous Ordinances 6.203 through 6.208.

Adopted this 10th day of February, 2011.

Samuel K Hardwick, Mayor

ATTEST:

Emily Hurd, Town Clerk

6.206 COMMERCIAL ESTABLISHMENTS; MULTIPLE-HOUSING DEVELOPMENTS

- A. Where refuse accumulates at stores, hotels, motels, apartment houses, theaters, office buildings and similar places in quantities of more than 100 gallons, the owners shall provide proper receptacles for garbage and trash.
- B. Business, industries and institutions having accumulations which are too heavy for four (4) 30-gallon containers collected once per week shall be required to furnish commercial containers of a painted heavy gauge steel with a capacity of not more than eight (8) cubic yards and or compactors. Businesses shall be permitted to share containers among two (2) or more businesses.
- C. The type, size and location of commercial containers shall be subject to the approval of the Code Enforcement Officer.
- D. Multiple-housing developments with ten (10) or more units shall be required to furnish and use commercial containers and or compactors in accordance with subsection B of this section.
- E. All roll-out containers, dumpsters and or compactors used for storage and collection of garbage, trash, or similar material shall be kept clean, with covers on and maintained in good condition and repair by the owner or user thereof, and shall be subject to inspection and approval or condemnation by the Code Enforcement Officer.
- F. Dumpsters and or compactors shall be kept in a place easily accessible to city or private hoist trucks at all times and no service shall be given to those places permitting objects, obstructions, or vehicles to hinder the servicing of the containers by the hoist trucks.

Adopted this 10th day of April, 2014.

PRIVIES-SEPTIC TANKS

6.301 PRIVIES REGULATED. No privy of any kind shall be permitted in the Town of Youngsville where a town sewer is reasonably accessible. When privies are permitted they shall be constructed in accordance with the regulations of the North Carolina State Board of Health. Privies altered or reconstructed shall also conform to these regulations. See attached amendment.

6.302 SEPTIC TANKS REGULATED. Septic tanks may be installed where sewer is not reasonably accessible, provided, such tank is constructed in accordance with the specifications of the North Carolina State Board of Health, and a permit therefore is issued by the Town Clerk.

CHAPTER 7

BUSINESS AND TRADES

PRIVILEGE LICENSES

7.101 DEFINITIONS. Wherever in this Chapter the words hereinafter defined or construed in this Section are used, they shall, unless the context requires otherwise, be deemed to have the following meaning:

- (a) Agent. The persons having the agency for the manufacturer, producer, or distributor.
- (b) Business. Any business, trade, occupation, profession, avocation or calling of any kind, subject, by the provision of this Ordinance, to a license tax.
- (c) Engaged in the Business. Engaged in the business as owner or operator.
- (d) Fiscal Year. The period beginning with the 1st day of July and ending with the 30th day of June next following.
- (e) Person. Any person, firm, partnership, company or corporation.
- (f) Quarter. Any three consecutive months.

7.102 LICENSE TAX UPON CERTAIN TRADES AND BUSINESS OPERATIONS. In addition to the tax on property and polls, as otherwise provided for, and under the power and authority conferred in the laws of North Carolina, there shall be levied and collected annually or oftener, where provided for, a privilege license tax on trades, professions, business operations, exhibitions, circuses, and all subjects authorized to be licensed, as set out in the following sections and schedule. All licenses shall be a personal privilege and shall not be transferable. Nothing herein contained shall be construed to prevent the Board of Commissioners from imposing from time to time as they may see fit, such license taxes as are not specifically herein defined, or from increasing or decreasing the amount of any special license tax, or from prohibiting or regulating the business or acts licensed, and all licenses are granted subject to the provisions of existing ordinances for those hereinafter enacted.

7.103 UNLAWFUL TO CONDUCT BUSINESS WITHOUT A LICENSE. It shall be unlawful for any person or his agent or servant to engage in or carry on a business in the Town of Youngsville for which there is required a license, without first having paid the license tax and obtained the license. For the purpose of this Section the opening of a place of business or offering to sell, followed by a single sale or the doing of any act or thing in furtherance of the business shall be construed to be engaging in or carrying on such business; and each day that such person, firm or corporation shall engage in or carry on such business as aforesaid, shall be construed to be separate offense.

7.104 LICENSE TAXES SHALL BE FOR TWELVE MONTHS. All taxes provided for and fixed in the following sections and schedule shall be for twelve months, unless otherwise specified, and shall so remain for twelve months beginning July 1st, and ending June 30th; provided, that where the license is issued after January 1st, then the licensee shall be required to pay one half the tax prescribed, except where otherwise specifically provided for.

7.105 LICENSE REQUIRED FOR EVERY SEPARATE BUSINESS. The payment of any particular tax imposed by this Article shall not relieve the person paying the same from the payment of any other tax imposed by this Article for any other business he may carry on, unless so provided by the section imposing such tax; it being the intent of this Ordinance that license

taxes prescribed by various sections or sub-sections of this Article applicable to any business shall be cumulative except where otherwise specifically provided.

7.106 LICENSE REQUIRED FOR EVERY PLACE OF BUSINESS. A license issued for the privilege of conducting a business is only valid for the business conducted at the place and by the licensed named therein. Every person doing business in more than one factory, mill, warehouse or store, stall or stand, or other place of business, shall secure a separate license for each such place of business, unless such places of business are contiguous to each other, communicate directly with an opening into each other and are operated as a unit. If the business is moved or if the license sells to another, then a new license is necessary, unless a special permit to continue business under the original license is obtained from the Board of Commissioners.

7.107 LICENSE MUST BE DISPLAYED AT THE PLACE OF BUSINESS LICENSED. Every license must be kept prominently displayed at the place of business of the licensee named in the license, or, if the licensee has not fixed place of business, such licensee must keep the same wherever such business is being operated and where it can be inspected at any time by the proper municipal official.

7.108 NO ABATEMENT OF LICENSE TAX. No license tax shall be abated nor shall any refund of any part thereof be made, in any case where the licensee discontinues his business before the end of the period for which such license was issued.

7.109 SCHEDULE OF ANNUAL PRIVILEGE LICENSES. (See current Schedule on file in the office of the Town Clerk.)

TAXICABS

7.201 DEFINITIONS.

(a) Persons. When used in this Article shall mean and include both singular and plural, and shall also mean and include persons, individuals, firms, corporations, partnerships and associations.

(b) Taxicab. When used in this Article shall be defined as any motor vehicle seating nine or fewer passengers, operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger or passengers are being transported, and shall not include motor vehicles or motor vehicle carriers as defined in Sub-Section (k) of Section 62-103 of the General Statutes of North Carolina.

7.202 UNLAWFUL TO OPERATE WITHOUT CERTIFICATE. It shall be unlawful for any person to operate a taxicab upon and over the streets of the Town of Youngsville without first having applied for and secured from the Board of Commissioners a Certificate of Convenience and Necessity as hereinafter set forth.

7.203 APPLICATION REQUIRED. Every person desiring to operate a taxi-cab upon and over the streets of Youngsville shall file on forms supplied by the Town Clerk an application for Certificate of Convenience and Necessity.

7.204 BOARD ISSUES CERTIFICATES. The Town Board shall have power and it will be its duty to order certain certificates issued or refuse to issue certain certificates or to issue

certificates for partial exercise of the rights granted only such certificate such terms and conditions as in its judgement the public convenience and necessity may require.

7.205 DURATION OF CERTIFICATE. A certificate shall constitute a franchise from the Town of Youngsville for the operation of taxicabs within the Town of Youngsville subject to the provisions of this Ordinance for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearing conducted as herein provided.

7.206 DETERMINATION OF CONVENIENCE AND NECESSITY. In determining whether the public convenience and necessity require the franchising of such taxicab or taxicabs, the Town Board shall, among other things, take into consideration the following factors:

(a) Whether or not the public convenience and necessity require such proposed or additional taxicab service within the Town of Youngsville.

(b) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory.

(c) The number and condition of equipment.

(d) The schedule of proposed rates, if required by said Town Board, to be charged.

(e) The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether or not adequate provisions has been made for off street parking of said taxicabs.

(f) The experience of applicant in the taxicab business.

(g) Such other relative facts as may be deemed necessary and advisable. Before making any decision with respect to the issuance of a Certificate of Convenience and Necessity, the Town Board, or a committee thereof, shall make a full and complete investigation of all facts, if it so desires, subpoena witnesses and utilize the services of the Chief of Police or any other officer or employee of the Town.

7.207 HEARING, NOTICES. Each application for Certificate of Convenience and Necessity shall be scheduled for a hearing not later than thirty days after the same is filed, and the applicant shall be notified by the Town Clerk by mail to the business address set forth in the application of the date and time of such hearing, such notification to be sent at least ten days before the date set for the hearing. The Town Clerk shall also, within the same time, notify all persons who at the time hold Certificates of Convenience and Necessity for the operation of taxicabs within the municipality, of the date and time of such hearing and the name of the applicant. In addition, the Town Board shall have the power to have published at least once in a newspaper of general circulation at least ten days before the hearing, a notice setting forth the name of the applicant and the date and time of hearing. The cost of such publication to be paid by the applicant.

7.208 BURDEN OF PROOF. The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab or taxicabs specified in his application, and all other facts required for the granting of a certificate.

7.209 FAILURE TO BEGIN OPERATIONS. If a Certificate is granted to an applicant, and said applicant shall fail, in accordance with the provisions of the Certificate, to begin operations within sixty days after the date of said Certificate, then said Certificate shall become null and void, and no refund of any amount paid by the applicant will be made by said Town of Youngsville.

7.210 TRANSFER. A Certificate is not transferable without the consent and approval of the Town Board. Applications for a permit to transfer shall be filed in the same manner as an application for a Certificate of Convenience and Necessity. The proceedings upon such application for a transfer shall be the same as those prescribed for the issuance of a Certificate, except that the question of public convenience and necessity need not be proved. No Certificate will be issued to any applicant unless such applicant be the holder in due course and for value of the title to such taxicab, and the holder of such certificate only shall be permitted to operate such taxicab, and such applicant shall not be allowed to engage the services of any persons to operate his taxicab for him or in his stead at any time.

7.211 REVOCATION OF CERTIFICATE. The Town Board may at any time after a public hearing revoke any Certificate issued by authority of this Ordinance for any one, or more, of the following causes:

(a) Failure to operate the taxicab specified in the Certificate in such manner as to serve the public adequately and efficiently.

(b) Failure to maintain motor equipment in good repair.

(c) Failure to carry liability insurance or bond as required by law.

(d) Failure to pay to the Town taxes or license fees of \$15.00 imposed upon such taxicabs.

(e) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution.

(f) Failure to report accidents.

(g) Willful failure to comply with any provision of this Ordinance or other ordinances or state laws relating to the operation of taxicabs, whether such ordinances and laws be now in force or hereafter enacted into ordinances and into laws.

No certificate shall be revoked until the owner has had at least five days notice by personal service or registered mail of the charges against him, and of the time and place of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed herein, the Board shall have the power to revoke the Certificate, or to condition a revocation upon compliance of its order within any time fixed by it.

7.212 SUBSTITUTION OF VEHICLES. The person to whom a Certificate has been issued may, by proper endorsement thereon by the Town Clerk, substitute another vehicle, or other vehicles, for the vehicle or vehicles for which Certificate was granted. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle or vehicles.

7.213 NO PERSON TO HOLD MORE THAN ONE CERTIFICATE. The Town Board reserves the right to issue only one such Certificate to any one person, and the person holding such Certificate shall be required to operate his taxicab himself and shall have no power or authority by virtue of his Certificate to delegate the operation of such taxicab to any person.

CERTAIN BUSINESS AND TRADES REGULATED

7.301 POOL ROOMS. No keeper or owner of any pool room, billiard room, or bowling alley, shall allow any minor under the age of eighteen (18) years to enter such place after the parent or guardian of such minor has requested in writing that such minor not be allowed to enter such place. No minor shall enter or remain in any such place after being forbidden to do so by the owner or keeper thereof.

BUSINESS LICENSE SCHEDULE

7.401

Regular Business license.....	\$5.00
Beauty Shops.....	\$2.50 each chair
Barber Shops.....	same as regular license \$5.00
Beer and Wine license, as amended May 7, 1973	
Privilege license to sell beer off premises, maximum	\$ 5.00
Privilege license to sell beer on premises	\$15.00
Privilege license to sell wine off premises, Maximum	
Privilege license to sell wine one premises	\$15.00
For beer and wine off premises, total	\$15.00
For beer and wine on premises, total	\$30.00

AMENDMENT TO ARTICLE 10 (PRIVILEGE TAXES)

PEDDLERS LICENSE

7.501 Any person, firm, or corporation who or which shall carry from place to place any goods, wares, or merchandise, and offer to sell or barter the same, or actually sells or barter the same, shall be deemed peddlers, except which person, firm, or corporation who or which is a wholesale dealer, with an established warehouse in this State and selling only to merchants for resale.

7.502 Such peddlers, as aforementioned who shall bring any goods, wares, or merchandise, and offer to sell or barter same or actually sell or barter same in the Town of Youngsville from any cart, vehicle propelled by motor, or other mechanical power shall pay to the Tax Collector of the Town of Youngsville privilege tax of \$5.00 for each vehicle so employed.

That this ordinance shall be in full force and effect from and after the date of the passage thereof.

Members Present: W.S. Pearce, W.T. Moss, J.T. Allen & W.P. Pearce.

Members voting "Aye": W.S. Pearce, W.T. Moss, J.T. Allen & W.P. Pearce.

Members Voting "No": none

Passed by the Commissioners of the Town of Youngsville by a two-thirds majority of those present at its meeting held on the 4th day of September, 1950.

(A.E. Hall)
Mayor

(SEAL)

Attest:

(W. Rudy Evans)

Town Clerk

7.601 PRIVILEGE LICENSE ORDINANCE

GENERAL

7.601.1 Definitions. When used in this ordinance (unless the context requires a different meaning):

(a) "Person" includes any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm or other legal entity.

(b) "Business" includes each trade, occupation, profession, business, and franchise taxed under this ordinance.

(c) A business is "seasonal" in nature when it is conducted for profit six months out of the year or less.

7.601.2 Construction of This Ordinance. This ordinance is enacted for revenue purposes only. Therefore, it should be construed to require payment of the maximum tax permitted under this terms. In addition issuance of a license in accordance with this ordinance does not excuse a licensee from compliance with any other applicable ordinance or statute. This ordinance does not prevent the town from imposing license taxes on additional businesses, from increasing or decreasing the amount of any license tax, or from regulating any business taxed.

LEVY

7.601.3 Levy of Tax. An annual privilege license tax is hereby levied on each business conducted within this town listed in Sections 34 through 35 of this ordinance in the amounts set forth in those Sections.

7.601.4 Who Must Pay Tax. Each person who conducts a business within this town is subject to this ordinance. A person "conducts business" when he engages in one act of business taxed under this ordinance. He conducts the business "within the town" if he maintains a business location within the town; or if, either personally or through agents, he (1) solicits business within the town limits or (2) picks up or delivers goods or services within the town limits.

7.601.5 Period of License, Due Date.

(a) Annual licenses. Unless the Section of this ordinance levying the privilege license tax applicable to a particular business provides otherwise, a license issued in accordance with this ordinance is good for the twelve-month period beginning July 1 and ending June 30. The tax is due on July 1 of each year. However, if a person begins a business after July 1 of a year, the tax for that year is due before the business is begun.

7.601.6 Proration of Tax. If a business is begun after January 31 and before July 1, the amount of tax due is half the amount otherwise due. If a business is seasonal in nature and if the amount of tax is not based on gross receipts, the amount of tax due is half the amount otherwise due.

7.601.7 Refunds. If for any reason a licensee discontinues his or her business during the license year, he or she is not entitled to a refund.

7.601.8 Separate Businesses. A separate license is required and a separate privilege license tax must be paid for each place of business unless two or more places of business under common ownership are contiguous to each other, communicate directly with and open into each other and are operated as a unit. In addition a separate privilege license tax must be paid for each business taxable under this ordinance conducted by the taxpayer at any one location; however, the tax collector may issue a single license for all taxable business conducted at one location by a single taxpayer.

7.601.9 Computation of Tax Based on Gross Receipts. No privilege licenses taxes are computed on the gross receipts basis in the Town of Youngsville.

7.601.10 Exemptions.

(a) Generally. Except as otherwise provided in this Section or by state law, no person is exempt from the payment of a privilege license tax levied by this ordinance.

(b) Charitable organizations. A person who operates a business for a religious, education, civic, patriotic, charitable, or fraternal purpose, when the entire gross income of the business is used for such a purpose, is exempt from paying any privilege license tax levied by this ordinance.

(c) Blind persons and members of the armed forces and merchant marine. Blind persons and persons who serve in the United States armed forces or the merchant marine are exempt from paying any privilege license tax levied by this ordinance to the extent provided by G.S. 105-249 and G.S. 105-249.1.

LICENSES

7.601.11 Application. A person shall apply to the tax collector for each license required by this ordinance no less than thirty days before the date the tax is due. The application, which shall be submitted on forms provided by the tax collector, shall contain:

(a) The name of the applicant and whether the applicant is an individual, a partnership, a corporation, or some other entity.

(b) The nature of the business.

(c) Where the business is conducted.

(d) An address where notices and statements may be mailed to as required by this ordinance.

(e) Whether the business is regulated by a state occupational licensing board subject to G.S. Chapter 93B, and if so, the serial number of the state license the applicant currently holds.

(f) Any other information the tax collector determines to be necessary to compute the amount of tax due.

7.601.12 Reasons for Refusal or Revocation of a License. The tax collector shall refuse to issue a license or shall revoke a license for any of the following reasons:

(a) The applicant misrepresents a fact relevant to the amount of tax due or his or her qualifications for a license.

(b) The applicant refused to provide information necessary to compute the amount of tax due.

(c) The location of the intended business is in violation of the current zoning classification of the Town of Youngsville.

7.601.13 Unqualified Applicants; Right to a Conference. After receipt of the completed application, if the tax collector believes that a reason exists for refusing a license under Section 12 of this ordinance, the tax collector shall refuse to accept payment of the tax and shall not issue the license. At the applicant's request, the tax collector shall, in accordance with Section 22 of this ordinance, give the applicant a written statement of the reason for refusing the license. The applicant may, within ten days after the day the statement is received, request a conference to discuss the refusal. In the request the application shall specify why the application for a license should not be refused. The tax collector shall arrange the conference within a reasonable time.

If the collector refuses to issue a license, the applicant may reapply for a license at any time thereafter. If the reason for which the application was refused no longer exists, and if no other reasons exists for refusing to issue a license, the tax collector shall issue the license in compliance with Section 14 of this ordinance.

7.601.14 Tax Collector to Issue License, Payment of Tax a Prerequisite. After receipt of the completed application, if the tax collector believes that no reason exists for refusal of a license under Section 12 of this ordinance, the tax collector shall determine the amount of tax due and notify the applicant of that amount. The tax collector shall not issue a license until the tax is paid.

7.601.15 Amount of Tax Disputed. If disputes arise over the amount the tax collector determines to be due, the applicant may either refuse to pay and request a conference with the tax collector discuss the determination or pay the amount and request a conference to discuss the right to a refund. If a conference is requested, the tax collector shall arrange it within a reasonable time.

7.601.16 Revocation. The tax collector shall revoke a license if a reason exists to revoke it as set forth in Section 12 of this ordinance. Before revoking a license, the tax collector shall give the licensee written notice of the grounds for revocation, in accordance with Section 22 of this ordinance. The licensee may within ten days after the day on which notice is served request a conference with the tax collector in writing. The request shall specify the reasons why the license should not be revoked. The tax collector shall arrange the conference within a reasonable time.

If the licensee fails to request a conference within ten days after the day on which notice is served, the tax collector shall revoke the license. If the licensee requests a conference, the tax collector may not revoke the license until after the conference.

If the tax collector revokes a license, the former licensee may apply for a new license at any time thereafter. If the reason for which the license was revoked no longer exists and if no other reason exists for refusing to issue a license, the tax collector shall issue the license in accordance with Section 14 of this ordinance.

7.601.17 Assignments. A license may be assigned if (1) a business licensed under this ordinance and carried on at a fixed place is sold as a unit to any person, and (2) the purchaser is to carry on the same business at the same place. Such a change shall be reported to the tax collector in accordance with Section 19 of this ordinance. Otherwise, each license issued under this ordinance is a personal privilege and is not assignable.

7.601.18 Changes in the Business Conducted by Licensee During the Tax Year. A licensee or an assignee shall report a change in the information contained in the license application to the tax collector within ten days after the change occurs. If information shown on the license itself is affected, the licensee or assignee shall surrender the license to the tax collector when reporting the change.

(a) Changes affecting the amount of tax due. If there are no reasons for revoking the license under Section 12 of this ordinance and the change results in the imposition of a separate or additional tax, the tax collector shall reissue a license reflecting the change upon payment of the separate or additional tax.

(b) Changes not affecting the amount of tax due. If there are no reasons for revoking the license under Section 12 of this ordinance and the change does not result in an imposition of a separate or additional tax, the tax collector shall reissue a license reflecting the change upon a payment of a fee of \$5.00.

(c) Change requiring refusal of a license. If there is a reason for revoking the license under Section 12 of this ordinance, the tax collector shall refuse to reissue a license and shall instead begin proceedings to revoke the license in accordance with Section 16 of this ordinance.

7.601.19 Tax Collector to Furnish Duplicates. Upon satisfactory proof that a license has been lost or destroyed, the tax collector shall furnish a duplicate for a fee of \$5.00.

7.601.20 Record of Conferences. The tax collector shall maintain for three years a record of each conference held in accordance with this article. The records shall contain the applicant's or licensee's name, the date of the conference, and a brief statement of the issues discussed and the result reached. After three years, the tax collector shall dispose of the records in accordance with G.S. 121-5.

7.601.21 Providing Notice to an Applicant or Licensee. Whenever this ordinance requires the tax collector to give a written statement or notice to an applicant or a licensee, the tax collector may do so in one of three ways:

- (a) By personally delivering the statement or notice to the applicant or licensee;
- (b) By mailing the statement or notice by registered or certified mail and returning the receipt requested to the address specified for that purpose in the license application; or
- (c) By causing the statement or notice to be served on the applicant or licensee in accordance with the procedures for service of process under Rule 4, North Carolina Rules of Civil Procedure.

ENFORCEMENT AND COLLECTIONS

7.601.22 Duty to Determine Whether Tax Due. Each person has the duty to determine whether the business he or she conducts is taxed under this ordinance and if so, whether that tax has been paid for the current tax year.

7.601.23 Tax Collector to Investigate. If the tax collector has reason to believe that a person is conducting a business in the city in violation of this ordinance, the tax collector shall conduct an investigation to determine the person's tax liability.

7.601.24 Duty to Keep Books. Each person who conducts a business taxed under this ordinance shall keep all records and books necessary to compute the tax liability. If a person fails to keep books and records as required, the tax collector shall make a determination of that persons' tax liability from the information available.

7.601.25 Duty to Permit Inspection. Each person who conducts a business in the town shall permit the tax collector to inspect the business premises during normal business hours to determine the nature of the business conducted there and to examine the books and records to determine the nature and amount of business transacted.

7.601.26 Duty to Post License. A licensee shall post the license or licenses conspicuously in the place of business licensed. If the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper town officials.

7.601.27 Notice of Deficiency. If the tax collector determines that a person has not paid the full amount of tax due under this ordinance, either for the current license year or for a prior license year, the tax collector shall give the person written notice of the deficiency, in accordance with

Section 22 of this ordinance. The notice of deficiency shall specify the total amount of tax due; the Section of this ordinance upon which the tax is based; the amount of tax paid; any interest due; the balance owed; the notice of the deficiency; and the consequences of failing to respond as specified.

7.601.28 Request for a Conference. The person may, within ten days after the day on which the notice is served, request a conference in writing. The request shall specify the person's objections to the notice of deficiency. By way of illustration but not limitation, a person who receives notice of deficiency may object on the following grounds:

- (a) That the tax due has already been paid;
- (b) That the tax collector miscalculated the amount of tax due;
- (c) That the tax collector based on his calculation on incorrect or insufficient information concerning either the nature of the amount of business conducted; or
- (d) That the tax collector based the determination on an erroneous interpretation of a Section of this ordinance that established a category of business subject to a particular tax.

7.601.29 Deficiency to Become Final. If the taxpayer fails to request a conference under Section 29 of this ordinance, the deficiency becomes final and the tax collector shall proceed to collect the deficiency.

7.601.30 Conference Held. If the taxpayer requests a conference, the tax collector shall not proceed to collect the deficiency until hearing the taxpayer's objections and determining that the deficiency should become final. The tax collector shall maintain a record of each conference held for three years in accordance with Section 29 of this ordinance. The record shall contain the name of the taxpayer, the date of the conference, a brief statement of the issues discussed, and the results of the discussion. After three years, the tax collector shall dispose of the record in compliance with G.S. 121-5.

7.601.31 Collection of Deficiency.

- (a) The tax collector may use any of the following methods to collect a deficiency:
 - (1) Criminal prosecution in accordance with Section 32 (a) of this ordinance;
 - (2) Equitable relief in accordance with Section 32(b) of this ordinance;
 - (3) The remedies of levy, sale, attachment and garnishment in accordance with G.S. 160A-207; or
 - (4) The remedies of levy and sale of real and personal property of the taxpayer within the city in accordance with the provisions of G.S. 105-109.

7.601.32 Enforcement of Ordinance.

(a) Criminal Remedies. Conducting business within this town without having paid the privilege license tax imposed by this ordinance or without a valid license issued in accordance with this ordinance, or without posting a license in compliance with Section 27 of this ordinance is a misdemeanor, punishable as provided in G.S. 105-109. Each day that a person conducts business in violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings in accordance with this Section does not relieve a person of the liability for taxes imposed under this ordinance.

(b) Equitable Remedies. In addition to the criminal remedies set forth in subsection (a) of this Section and in compliance with G.S. 160A-175(d), the town may seek an injunction against any person who conducts a business in violation of this ordinance.

Adopted this the _____ day of _____, 1992.

Lynwood D. Buffaloe, Mayor

ATTEST:
Deborah G. Pearce, CMC, Town Clerk

CHAPTER 8

DISORDERLY CONDUCT AND PUBLIC NUISANCES

DISORDERLY CONDUCT

8.101 GENERAL. No occupant of any house whether residence or business shall permit same to be kept in an indecent and offensive or disorderly manner or permit loafers or idle persons to congregate therein or in front of same to the annoyance of persons passing by or living in the vicinity.

8.102 VAGRANTS. Any and all tramps, vagrants, persons under suspicion, who shall be found with no visible means of support, either male or female, shall not be allowed on the streets or other public places.

8.103 HOUSE OF ILL FAME. No person shall keep a house or other place of ill fame in the Town and no person shall knowingly rent any house to be used as a house of ill fame. All adult persons living in such house shall be considered as keepers thereof and be subject to the penalties of this code.

8.104 PROFANITY AND BOISTEROUS CONDUCT. It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance or use any form of profanity or indecent language on the street or in a gathering or audience or assembly, or in any public place whatsoever, or to indecently expose themselves within the corporate limits.

8.105 PUBLIC DRUNKENNESS. It shall be unlawful for any intoxicated person to be on or upon any public street or other public place.

8.105.1 PROHIBITION AGAINST POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

It shall be unlawful for any person to consume or possess an open container of any alcoholic beverage in the following places:

1. On any public road, street, highway or sidewalk;
2. On any town property devoted to public use, including, but not limited to parks, playgrounds or theaters;
3. Any other town property within the city limits of Youngsville.

This Ordinance is enacted pursuant to the authority granted by N.C.G.S.18B-300(c).

Lynwood D. Buffaloe
Mayor, Town of Youngsville

Attest:

Deborah G. Pearce

Town Clerk

Effective Date: June 10, 1993

8.106 DRINKING IN PUBLIC. No person shall consume, serve, or drink wine, beer, whiskey or alcoholic beverages of any kind on the public streets, boulevards, alleys, or in public buildings.

8.106.1 AN ORDINANCE REGULATING THE CONSUMPTION OF BEER AND WINE BE ORDAINED by the Governing Body of the Town of Youngsville, N.C.:

Section 1. DRINKING IN PUBLIC PLACES. No person shall consume malt beverages or unfortified wine, as defined by G.S. 18 A-2, on or within the rights of way of the municipal streets, boulevards, alleys, and sidewalks, in municipal parks and buildings, or on any other property owned or occupied by the Town.

Section 2. PENALTY. Violation of this ordinance shall be a misdemeanor punishable on conviction by a fine not exceeding fifty dollars (\$50) or by imprisonment not exceeding thirty (30) days.

Section 3. EFFECTIVE DATE. This ordinance shall be in full force and effect on the 27th day of July 1979 and thereafter.

This the 20th day of July 1979.

Wallace H. Green, Mayor

Attest:
(Elizabeth P. Cheatham)
Town Clerk

8.107 ORDINANCE ADOPTED BY YOUNGSVILLE TOWN BOARD OF COMMISSIONERS AT MEETING HELD AT TOWN HALL ON MONDAY NIGHT APRIL 15, 1971

An Ordinance Regulating Assemblages in Public Places Between the Hours of 12:00 o'clock midnight and daybreak. The Town of Youngsville ordains:

Section 1. CONGREGATING IN PUBLIC PLACES BETWEEN 12:00 O'CLOCK MIDNIGHT AND DAYBREAK. All persons are forbidden from assembling, collecting, congregating, standing or loitering in any street or in or upon any sidewalk, crossing or public place or property in the Town of Youngsville between the hours of 12:00 midnight and daybreak, and any and all persons so assembling, congregating, standing or loitering, shall immediately disperse and move upon the demand of any peace officer of the Town of Youngsville, county or state.

Section 2. LOITERING, LOAFING AND BOISTEROUS CONDUCT IN STREETS BETWEEN 12:00 MIDNIGHT AND DAYBREAK. It shall be unlawful for two or more persons to congregate, stand, loaf or loiter in any street or in or upon any sidewalk, crossing or public place or property in the Town of Youngsville between the hours of 12:00 midnight and daybreak, in a boisterous noisy or indecent manner.

Section 3. Any person found guilty of violating any section of this ordinance shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days.

Section 4. This ordinance shall be in full force and effect from and after the fifth day of April, 1971.

The foregoing ordinance was adopted at meeting held by Town Board of Commissioners of Youngsville April 5, 1971.

(W. Marvin Roberts)
W. Marvin Roberts, Mayor

(E.P. Cheatham)
E.P. Cheatham, Clerk

8.108 DISORDERLY CONDUCT (AS DEFINED IN CHAPTER 14 CRIMINAL LAW STATUTE 14.288.4)

(a) Disorderly conduct is a public disturbance caused by any person who:

(1) Engages in fighting or in violent, threatening or tumultuous behavior; or

(2) Makes any offensively coarse utterance, gesture, or display or uses abusive language, in such manner as to alarm or disturb any person present or as to provoke a breach of the peace; or

(3) Willfully or wantonly creates a hazardous or physically offensive condition; or

(4) Takes possession of, exercises control over, seizes, or occupies any building or facility of any public or private education institution without the specific authority of the chief administrative officer of the institution, or his authorized representative; or

(5) Refuses to vacate any building or facility of any public or private educational institution in obedience to:

a. An order of the chief administrative officer of the institution, or his authorized representative; or

b. An order given by any firearm or public health officer acting within the scope of his authority; or

c. If a state of emergency is occurring or is imminent within the institution, an order given by any law enforcement officer acting within the scope of his authority; or

(6) Shall, after being forbidden to do so by the chief administrative officer, or his authorized representative of any public or private educational institution:

a. Engage in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or

b. Congregate, assemble, form groups or formations (whether organized or not), block, or in any manner otherwise interfere with the customary or normal use of the building or facility.

As used in this section the term “building or facility” includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.

(b) Any person who willfully engages in disorderly conduct is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six months.

8.109 ORDINANCE TO REGULATE AND CONTROL PUBLIC DANCE HALLS

The Governing Body of the Town of Youngsville do ordain as follows:

Section 1. Authority. This ordinance is enacted under the authority which is vested in the Town of Youngsville by its Charter and Section 160-200 (33) of the North Carolina General Statutes.

Section 2. Definition. For the purpose of this ordinance a public dance hall is defined as any place where dances open to the general public are held, whether or not a charge for admission is made. This definition shall be deemed to include any premises rented or let for the purpose or purposes of operating a public dance hall or of conducting a public dance. This definition shall not be interpreted as to include a dance which is held in a private home, and which is not open to the general public. In addition, this definition shall not apply to a public street dance for which a special permit is required from the (Governing Body).

Section 3. Permit Required. No person shall operate a public dance hall, or rent or let a building or part thereof for the operation of a public dance hall or the conducting of a public dance, or conduct a dance which is open to the general public unless and until a permit therefor has been granted by the (Governing Body). Any person desiring to operate a public dance hall, or to rent or let a building or part thereof for the operation of a public dance hall or the conducting

of a public dance, or to conduct a dance open to the general public shall make application to the (Governing Body), stating the name and address of the owner of such dance hall and the name and address of the person conducting such dance if someone other than the owner, and shall provide such additional information as the (Governing Body) may require. It is intended that the provisions of this ordinance apply to any person renting or letting a building or part thereof for public dancing purposes, as well as to any person operating a public dance hall or conducting a public dance.

a. The (Governing Body), prior to issuing such permit, shall require the premises where public dancing is to be permitted to be inspected by (1) the Fire Chief for compliance with all state and local fire laws, (2) the Building Inspector for compliance with the State Building Code Regulations, and (3) the appropriate county health office regarding the availability and condition of rest rooms within the structure where a public dance will be held.

b. Upon the recommendation of the Chief of Police, the (Governing Body) may require the applicant for such permit to furnish adequate police protection by the payment of such fees as may be necessary to hire such extra policemen as the Chief may deem necessary to hire such extra policeman as the Chief may deem necessary to supervise such dance. In the event of a person renting or letting a building for public dancing purposes, the Board may require such person to provide the extra policemen, in lieu of requiring the person who is to conduct the dance or dances to do so.

c. No permit for the operation of a public dance hall or the holding of a public dance shall be approved until the (Governing Body) has received a report and recommendations as required in a. and b. above.

d. The owner or operator of a public dance hall or any person renting or letting a building or part thereof for public dancing purposes, or holding out a building or part thereof for such purposes, on the effective date of this ordinance shall within five (5) days after receipt of written notice, apply for a public dance hall permit as required herein. Pending approval of such permit, said dance hall may continue to be operated. Upon approval and issuance of a permit, such dance hall or public dance shall be operated and conducted in accordance with such permit. If the application for a permit to operate a public dance hall which was in existence on the effective date of this ordinance is not approved and a permit is denied, said public dance hall shall, within forty eight hours from the date of receipt of a written notice, be closed to the public and no additional dances held therein unless and until a permit as required by this ordinance is issued by the (Governing Body). In the event of a person holding out a building or part thereof for renting or letting for public dance hall purposes, his permit may specify that a separate permit must be secured for each occasion on which the premises are to be used for public dancing purposes.

Section 4. Compliance with State and County Laws. No dance hall and public dance shall be operated or conducted within the corporate limits in violation of any laws, rules and regulations of the State of North Carolina or Franklin County. This requirement shall include rules and regulations promulgated by any agency of the State of North Carolina or any agency of the County of Franklin.

Section 5. Booths and Lighting. Booths for patrons when installed shall be so designed and arranged and the lighting in such dance hall shall be installed and operated at all times in a manner that the conduct of patrons can be readily observed by police officers upon entering such dance hall.

Section 6. Dance Music. Music machines, orchestras or any other device producing music for dancing shall not be played in such manner or at such times during the day or night so as to cause a public nuisance. All dance halls shall comply with all other ordinances of the Town of Youngsville regarding the hours and days during which the loud playing of music is prohibited.

Section 7. Indecent Conduct. It shall be unlawful for any person operating a dance hall, or renting or letting a building for public dancing purposes, or conducting a public dance, to suffer or permit therein any lewd, indecent, improper, or immoral dance, posture or performance.

Section 8. Disorderly Conduct. It shall be unlawful for any person to engage in fighting or loud and boisterous cursing or swearing or to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct or by using unseemly, obscene or offensive language, or by other disorderly conduct calculated to provoke a breach of the peace, in any dance hall or any premises used for public dancing purposes within the Town of Youngsville, and it shall be unlawful for any person operating a public dance hall, or renting or letting a building or part thereof for public dancing purposes, or conducting a public dance, to permit therein any act prohibited by this section.

Section 9. Alcoholic Beverages Prohibited. It shall be unlawful for any person to carry into any public dance hall any beer, wine, whiskey, or other alcoholic beverage. It shall be unlawful for any person operating a public dance hall, or renting or letting a building or part thereof for public dancing purposes, or conducting a public dance, to suffer or permit therein any beverages named in this section.

Section 10. Revocation of Permit. Any person operating a dance hall in violation of this ordinance shall be subject to having the permit for such dance hall revoked by the (Governing Body). Such permit may be revoked by the (Governing Body) after the owner or operator has been notified by the Chief of Police that the dance hall has been improperly operated and after the owner or operator has had the opportunity to be heard concerning the revocation of the permit.

Section 11. Penalty. Any person found guilty of violating this ordinance shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days.

Section 12. Effective Date. This ordinance shall be in full force and effect from and after the 7th day of April, 1969.

(Wiley M. Roberts)
Mayor

Attest:
(Elizabeth P. Cheatham)
Town Clerk

8.110 ORDINANCE PROHIBITING LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF YOUNGSVILLE:

Section 1. Purpose. In order to protect the health, safety and welfare of the residents of the Town of Youngsville and the peace and dignity of the Town of Youngsville as authorized by North Carolina General Statute 160A-174, it is the purpose of this ordinance to prohibit loitering in public places for the purpose of engaging in drug-related activity.

Section 2. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

(1) Public place shall mean any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entrance ways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the town.

(2) A known unlawful drug user, possessor, or seller shall mean a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in the North Carolina Controlled Substances Act, Chapter 90, Article 5 of the North Carolina General Statutes, or has been convicted of any violation of any substantially similar laws of any political subdivision of this state or of any other state or federal law.

Section 3. Prohibited activity. It shall be unlawful for a person to remain or wander about in a public place in a manner and under circumstances manifesting the purpose to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, N.C. General Statutes Chapter 90, Article 5. Such circumstances shall include:

- (1) Repeatedly beckoning, to, stopping or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or
- (2) Repeatedly stopping or attempting to stop motor vehicles; or
- (3) Repeatedly interfering with the free passage of other persons; or
- (4) Such person is a known unlawful drug user, possessor, or seller; or
- (5) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in any unlawful drug-related activity; or
- (6) Such person repeatedly passes to or receives from passers-by, whether on foot or in a vehicle, money or objects; or
- (7) Such person takes flight upon the approach or appearance of a police officer; or
- (8) Such person is at a location frequented by persons who use, possess, or sell drugs;

and

- (9) Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or is known to be or have been involved in drug-related activities.

Section 4. Effective date. This ordinance shall be effective and enforceable as of April 30, 1994.

Lynwood Buffaloe

The Honorable Lynwood Buffaloe, Mayor

ATTEST:

Brenda T. Patterson

Passed the 14th day of April, 1994.

NOISE AND NUISANCE ORDINANCES

8.201 FIREARMS REGULATED. It shall be unlawful for any person to discharge any firearm of any type within the corporate limits except a peace officer in the performance of his duty.

8.202 POSTING BILLS AND OTHER ADVERTISING. No person shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post or upon any property, owned by any person, firm or corporation or owned by the Town of Youngsville, any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the written permission of the owner of such property and having received a permit from the Town Clerk.

8.203 FIRECRACKERS (AS DEFINED IN CHAPTER 14 CRIMINAL LAW STATUTES 14.414) Pyrotechnics defined; exceptions - For the proper construction of the provision of this article on pyrotechnics as in herein used, shall be deemed to be and includes any and all kinds of fireworks and explosives, which are used for exhibitions or nuisances purposes. Provided, however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives or signaling flares used in the course of ordinary business or

industry, or shells or cartridges used as ammunition in firearms. This article shall not apply to the sale, use, or possession of explosive caps designed be fired in toy cap pistols, provided that the explosive mixture of such explosive caps shall be exceed twenty-five hundredths (.25) of a gram for each cap.

8.204 ARTICLE 53A, 14-410 Manufacture, sale and use of pyrotechnics prohibited; public exhibitions permitted; common carriers not affected. It shall be unlawful for any individual, firm, partnership or corporation to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever within the State of North Carolina: provided, however, that it shall be permissible for pyrotechnics to be exhibited, used or discharged at public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations; provided, further, that the use of said pyrotechnics in connection with public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations shall be under supervision of experts who have previously secured written authority from the board of county commissioners of the county in which said pyrotechnics are to be exhibited, used or discharged: provided, further, that it shall not be unlawful for a common carrier to receive, transport and deliver pyrotechnics in the regular course of its business.

8.205 NOISE ORDINANCES. Subject to the provisions of sections 8.205 to 8.213, it shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing noise in the town taking into consideration the volume, duration, frequency and other characteristics of the sound. A person shall be deemed to create or assist in creating noise if that person owns, manages or operates any residence, business, or location at which the noise is generated.

8.206 DEFINITIONS. For the purpose of this article, the following words and phrases are defined below unless it shall be apparent from the context that a different meaning is intended:

A. Amplified entertainment shall mean any type of music or other entertainment delivered through and by an electronic system. Televisions operating with no amplification other than their internal speakers and background music systems operated at a low amplification and not intended for entertainment shall not be deemed amplified entertainment.

B. Emergency work shall mean any work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.

C. Motor vehicle or vehicle, as used herein, shall mean any vehicle propelled on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, automobiles, motorcycles or buses. It shall exclude trains and emergency response vehicles such as police, fire and rescue vehicles.

D. Noise control officer, as used herein, shall mean any police officer or other person so designated by the town manager or the town manager who shall act on Behalf of the Town to enforce the provision of this section.

E. Person shall mean any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

F. Unnecessary noise shall mean any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any person or causes damage to property or business.

Technical terms:

G. A-weighted sound level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

H. Decibel (dB): A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-newtons per square meter.

I. Sound: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

J. Sound pressure level: 20 times the logarithms to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure of 20 micro-newtons per square meter.

K. Sound-level meter: An instrument which includes a microphone, amplifier, RSM detector, integrator or time average, output meter and weighting network used to measure sound pressure levels.

L. Sound level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute Specifications for sound level meters (ANSI S1.41971 or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

M. Sound source: Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

N. Slow response: A measuring technique to obtain an average value when measuring a noise level that fluctuates over a range of four dB or more. By way of illustration only, a sound level meter set on "slow response" would record a sound level between two and six decibels less than the reading for a steadying signal of the same frequency and amplitude when a tone of 1,000 Hz and for duration of 0.5 seconds is applied.

O. Amplified sound: Any sound using amplifying equipment, whose source is outside or whose source is inside and the sound propagates to the outside or to other dwellings or interior locations under separate ownership or occupancy.

P. Noise: As used herein, unreasonably loud, disturbing sound levels taking into consideration the volume, duration, frequency and other characteristics of the sound.

8.207 NOISE MEASUREMENT.

A. for the purpose of determining db(A)'s as referred to in this article, sound levels shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI) or its successor body.

B. Measurement techniques.

(1) Noise measurements shall be made at the property line of the property where the noise to be measured is being generated. If measurement on private property is not possible or practical, noise measurements may be made at the boundary of the public right-of-way which adjoins the complaining property. Such noise measurements shall be made at a height of at least four feet above the ground and at a point approximately ten feet away from walls, barriers, obstructions (trees, bushes, etc.) on a sound level meter operated on the "A" weighed sound level scale. In the case of noises within multi-family or multi-tenanted structures, noise measurements shall be made in the complaining unit at a height of at least four feet above the floor and at a point approximately equidistant from all walls on a sound level meter operated on the "A" weighed sound level scale.

(2) No individual other than the operators shall be within ten feet of the sound level meter during the sample period.

(3) Sound measurements shall be conducted at that time of day or night when the suspect noise source is emitting sound.

(4) The sound level measurement shall be determined as follows:

a. Calibrate the sound level meter within one hour before use.

b. Set the sound level meter on the "A" weighed sound level scale at slow response.

c. Set the omnidirectional microphone in an approximately seventy-degree position in a location which complies with subsections (B)(1) and (2) above. The operator of the sound level meter shall face the noise source and record the meter's instantaneous response (reading) observed at consecutive ten-second intervals until 100 readings are obtained.

d. Recalibrate the sound level meter after use.

(5) It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

8.208 PARTICULAR SOUNDS PROHIBITED. The following acts and activities, among others, are hereby declared to be unreasonably loud and disturbing sound levels in violation of this ordinance. This enumeration shall not be construed to be an exclusive list of activities or acts which violate this chapter.

A. The sounding of a railroad locomotive whistle or horn for the period of time exceeding that which is required by law beyond that which is reasonably necessary to warn or alert others at road crossings at grade level of some real or potential danger.

B. The use of any gong, bell or siren upon any motor vehicle. Except for items listed in as exceptions below.

C. The keeping of any animal or bird which makes frequent or long continued sounds, such that a reasonably prudent person would recognize as likely to unreasonably disturb the comfort or repose of persons in the vicinity.

D. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

E. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which effectively prevents unreasonably loud and disturbing or explosive sounds there from.

F. The use of any mechanical device operated by compressed air unless the sounds created are effectively muffled and reduced or operated as part of a commercial activity between 7:00 Am and 7:00 PM.

G. The sounding of any chime, bell or gong attached to any building or premises which disturb the quiet or repose of any person in the vicinity thereof.

H. The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of a residential neighborhood.

I. The firing or discharging of any kind of gun and the firing, discharge or ignition of squibs, firecrackers, gunpowder or other pyrotechnics, except with a permit as set forth in this, which shall be subject to the approval of the chief of police, provided that squibs, firecrackers and other pyrotechnics may only be fired, discharged or ignited at public events.

8.209 SOUNDS IMPACTING RESIDENTIAL LIFE.

(a) The following acts and activities shall be unlawful in any residentially zoned area of the town or within 300 feet of any occupied residential structure in all zoning districts of the town:

(1) Operating a front-end loader or other truck for refuse collection except on Monday through Friday between the hours of 7:00 a.m. and 8:00 p.m. and on Saturdays 8a.m. and 6 p.m. The violator is the operator of the front-end loader or truck, the employer of the operator or the person which possesses or controls the front-end loader or truck used by the operator.

(2) Performing commercial construction work (out of doors) or operating construction machinery except on Monday through Friday between the hours of 7:00 a.m. and 8:00 p.m. and between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays, Sundays, except in the case of urgent necessity in the interest of public health and safety.

(3) Operating any garage or service station so as to cause unreasonable loud, disturbing sound to be emitted except between the hours of 7:00 a.m. and 9:00 p.m. on any day.

(4) Operating lawnmowers and other motor-driven domestic tools out-of-doors, except between the hours of 7:00 a.m. and 9:00 p.m. Monday through Sunday; except the mowing of golf course greens and recreational playing fields is allowed on any day between the hours of 6:00 a.m. and 9:00 p.m.

(5) PA systems outside of buildings except that this shall not apply to acts and activities which are carried on in such a manner or in such a location as not to create sound exceeding 60 db(A) within any residentially zoned area or within 300 feet of any occupied residential structure in all zoning districts, or to any emergency operations designed to protect the public health or safety.

8.210 AMPLIFIED SOUND.

(a) It shall be unlawful to:

(1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town. To determine if this limit is being exceeded, sounds may be measured at or beyond any property line of the premises covered by the permit.

(2) As to multifamily structures including town homes, apartments, condominiums, or other residential structures or arrangements where property lines cannot readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering 60 db(A) or greater between 9:00 a.m. and 9:00 p.m., or 50 db(A) or greater between the hours of 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the town.

(3) As to places of public entertainment, including, but not limited to, restaurants, taverns and bars, coffeehouses and private clubs, to operate or allow the operation of any sound amplification equipment so as to create sounds registering more than 65 dB(A) between 9:00 a.m. and 9:00 p.m., or 50 dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, hotel, motel, hospital, or rest home, except in accordance with a permit obtained from the town.

(4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than 60 db(A) at or on the boundary of the nearest public right-of-way or park.

(5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than 60 db(A) at any point 50 feet or more from any electromechanical speaker emitting sound between the hours of 9:00 a.m. and 9:00 p.m., or 50 db(A) 50 feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m. except in regards to section 14-71 (6).

(b) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, loudspeakers or other emergency warning devices actually being used in emergency circumstances.

Decibel Level Table to be used as reference for enforcement of the above section

Use	Days	Time	Max dB(A)
General	Monday—Sunday	9 a.m.—9 p.m.	60
		9 p.m.—9 a.m.	50
Public entertainment	Monday—Sunday	9 a.m.—9 p.m.	65
		9 p.m.—9 a.m.	50
Recreational activities	Monday—Sunday	7 a.m.—10:30 p.m.	No established limit
Garbage	Monday - Friday	7 a.m.—8 p.m.	No established limit
Commercial Construction	Monday—Friday	7 a.m.—8 p.m.	No established limit
	Saturday	8 a.m.—6 p.m.	
Lawnmowers	Monday—Sunday	7 a.m.—9 p.m.	No established limit

Typical Decibel Levels

Type of Activity	dB(A)
Quiet residential area	40
Freeway traffic	70
Heavy traffic	85
Lawn mower	90
Car horn, leaf blower	110
Football game (stadium)	117
Chain saw	125
Fireworks (at 3 feet)	162

8.211 OUTDOOR AMPLIFIED PERMITS.

A. An application for a permit pursuant to this subsection shall: (i) be submitted to the Youngsville Police Department at least 24 hours but no more than seven days before the permit time requested; and (ii) specify the proposed location of the sound amplification equipment and the date and time that the sound amplification will begin and end. Permits shall be issued on the first come, first served basis. A permit shall not be issued for a location that is within 100 feet of another location for which a permit has been issued for the same time. Sound amplification produced in conjunction with a town festival or parade permit shall be exempt from the entire subsection.

B. The limitations on the operation of sound amplification equipment in subsection of this section shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

C. Permits for additional amplification

Application. *The* application for a permit for additional amplification under section shall be submitted to the Youngsville Police Department at least 24 hours in advance of the planned use except in an emergency. The application shall designate an individual person who shall be in control of the sound amplification equipment and ensure that its use complies with the terms of the permit.

(1). Notice of tentative approval. Upon tentative approval, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a 1,000-foot radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the event. The notice shall be delivered at least 72 hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the Youngsville Police Department that such notices have actually been mailed or otherwise delivered.

Limits on hours. No permit shall be issued which shall have the effect of allowing more than 20 hours of excess amplification per year at any place of public entertainment. See Section 4 Sub section 3. Permits shall be tentatively approved and subsequently granted by the Youngsville Police Department in order of receipt unless permits for 20 or more hours have previously been issued for the same or other locations within a 1,000- foot radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulates hours of excess amplification in that location below 20 hours or select another location.

(2) Prohibited in residentially occupied boundaries. In no event shall a permit be granted which allows the creation of sounds registering more than 70db (A) anywhere within the 100 feet of the nearest residentially occupied property.

(3) Denial; issuance of exceptional permit. If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the Mayor. The Mayor shall have the discretion to grant an exceptional permit waiving location, time, and/or db (A) requirements, upon his determination that the applicant shall promptly report to the town council.

8.212 MOTOR VEHICLES. It shall be unlawful to operate or allow the operation of any motor vehicle in the town:

A. By engaging in fast starts, spinning tires, racing engines or other operations which create unreasonably loud and disturbing noises.

B. Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing noises.

C. To amplify sound produced by a radio, tape player, compact disc player or other sound-making device or instrument from within the motor vehicle so that the sound is plainly audible outside the vehicle. This subsection shall not apply to motor vehicles used for business or political purposes which, in the normal course of conducting business, use sound-making devices.

D. By using devices that increase the engine sounds of an automobile, truck, motorcycle or other motor vehicle or conveyance, or the absence of a working muffling device for such engine sounds.

8.213 EXCEPTIONS. The following acts and activities are exempt from the provisions of this article:

A. Sound emanating from scheduled outdoor sporting events.

B. Noise of safety signals, warning devices, emergency pressure relief valves and all church bells.

C. Noise resulting from any authorized emergency vehicle.

D. Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town, provided such activity is of a temporary duration lasting no longer than two hours during any 24-hour period. Regulation of noise emanating from activities under permit shall be according to the conditions and limits stated in this article and according to any additional conditions stated on the permit.

E. Unamplified and amplified sound at street fairs or other celebrations conducted, sponsored or sanctioned by the town.

F. Unamplified and amplified sound at community concerts conducted, sponsored, or sanctioned by the town.

G. Noise from noisemakers on holidays and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to appropriate ordinance.

H. All noises coming from the normal operations of properly equipped aircraft, but not including scale model aircraft.

I. Practice sessions or performances by marching bands associated with a local school or in preparation of a town sanctioned, sponsored or permitted event.

J. Noise from trains and associated railroad rolling stock when operated in proper repair and manner.

K. Emergency work performed for the purpose of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril. This emergency exception includes maintenance, backup or upkeep ("maintenance") strictly necessary to keep emergency equipment, such as generators, in operating order as prescribed by the manufacturer, provided such maintenance is done only on weekdays between the hours of 9:00 a.m. and 4:00 p.m., sounds created do not exceed 80 db(A), the equipment is maintained as far from the property line as reasonably possible to serve its purpose, and the equipment has all the manufacturer's standard mufflers and noise-reducing equipment intact.

L. Noise created by the normal operations of the parks and recreation, police, public works and utilities departments of the town, including firearms training for police officers.

M. Unamplified sound originating from recreational activities at public or private recreational, civic or community clubs and churches and similar establishments, when such noise is created by patrons and/or guests during the legitimate operation of the establishment between the hours of 7:00 a.m. through 10:30 p.m.

8.214 ENFORCEMENT AND PENALTIES.

A. Public complaints regarding noise violation of Section 8.201 et. Seq. shall be made to either law enforcement or to the town manager. Complaints by members of the public to the town manager must be accompanied by a sworn statement specifically detailing the violation and detailing the activity complained about, its location and a specific statement of the ordinance violated. Said statement shall also detail where the complainant was when they measured said sound or perceived said violation. Upon review of the form and upon further investigation if so deemed necessary by the Town Manager, the town manager may then issue written notice upon finding of probable cause that violation occurred to the offender regarding the violation. Said notice shall include a civil penalty as follows:

(1). Civil penalty. Violation of this article (noise control ordinance) shall subject the offender(s) to a civil penalty in the amount of \$100.00. In the event there is more than one violation within any 30-day period, then the civil penalty shall be increased for each additional violation over one during such period, as follows. The date of the first violation shall establish the beginning date for the initial 30-day period. The next violation within that 30-day period shall be considered the second violation. Any violations that follow within that 30-day period shall be numbered sequentially. The penalty shall be:

(a) Second offense within same 30-day period: \$250.00.

(b) Third offense within same 30-day period: \$500.00.

(c) Fourth offense within same 30-day period: \$750.00.

(d) Fifth and any subsequent offense within same 30-day period: \$1,000.00.

(e) Once the 30-day period has expired for a violation, the next violation shall be considered to be a first violation for the purposes of establishing a new 30-day period. In the event there are more than six violations within any 12-month period, then each violation after sixth occurrence shall subject the violator(s) to a civil penalty of \$1,000.00.

(f) Violators shall be issued a written citation which must be paid within 72 hours of the issuance. The town attorney, or designee, is authorized to file suit on behalf of the town to collect any unpaid citations, and the police chief, or designee, is authorized to verify and sign complaints on behalf of the town in such suits.

(g) Remedies. This article may also be enforced through equitable remedies issued by a court of competent jurisdiction.

(h) A decision of the Town administrator may be appealed within 10 days of service of the original notice. Said appeal shall be made to the board. The board may overturn the decision of the Town Administrator if it finds by majority that the Town Administrator acted outside of his or her discretion or that the violation as described was not a violation of this ordinance.

B. Complaints made to law enforcement.

A police officer, animal control officer enforcing subject matter jurisdiction, or other employee duly authorized to enforce the noise control ordinances may issue a citation for violations of this article.

Criminal Penalty - In addition to, or in lieu of, such civil penalties or other remedies, violation of this article shall constitute a Class 3 Misdemeanor pursuant to N.C.G.S. 14.4(a) and shall be subject to Town Ordinance 12.101.

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

ANIMALS

8.301 ANIMALS AT LARGE. It shall be unlawful for any owner of a domestic animal, including dogs to allow such animal to run at large. Animals allowed to run at large in violation of this ordinance may be seized and sold or destroyed after reasonable efforts to notify their owner in accordance to G.S. 160A-186.

8.302 PRIVILEGE OF KEEPING DOMESTIC ANIMALS, INCLUDING DOGS AND CATS (1) It shall be unlawful for any owner of a domestic animal, including dogs not to pay an annual license fee on the privilege of keeping such animal. Annual license fee may be paid at the Town Hall. Owners shall provide the Town a copy of the vaccination record and shall upon paying the \$1.00 annual license fee be given a tag to be placed on the collar of such animal. This fee shall be due each year by the 15th day of February.

8.302.1 SANITATION It shall be unlawful to create unsanitary conditions or offensive or objectionable odors in enclosures or surroundings and thereby creating unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept. Every person owning and occupying any property or premises where any animal or bird is kept shall keep such premises clean and sanitary. Any feces, uneaten food, or other matter that emits an offensive odor or encourages the breeding of flies or other insects shall be collected daily and not allowed to accumulate. This provision shall not prohibit the owner or occupant of any premises from storing such feces, uneaten food, or other matter in a closed container prior to disposal.

8.302.2 CURBING Any person in control of an animal which defecates on the property of another without permission of the property owner, upon any maintained government right-a-way or upon public parks property commits the offense of permitting offensive

littering by an animal, if the person fails to promptly remove and properly dispose of the animal waste.

8.302.3 TETHERING No person shall tether, fasten, chain, tie or restrain a dog to a dog house, tree, fence or any other stationary object for more than 3 hours in a 24-hour time period. As an alternative, dogs may be attached to a running line, pulley or trolley system but they may not be attached to these systems with either a choke or pinch collar. Any device used to tether a dog must be at least 10-feet long and attached in a manner that prevents strangulation or other injury to the dog, or entanglement with objects. A cable trolley system may be used to tether a dog for the allowed period of time as long as the stationary cable is at least 10-feet long and the dog can move perpendicularly at least 10-feet away from the stationary line. The line should be attached to the dog with a buckle-type collar or a body harness. The device used to tether can weigh no more than 10 percent of the animal's body weight and must allow the dog access to food and water.

8.303 INTERFERING WITH TOWN OPERATIONS It shall be unlawful for a person to allow his or her dog to interfere or attack an employee or agent of the Town of Youngsville when that person is about their official duties even if the domestic animal is on the private property of said person or an agent of said person. It shall also be unlawful for a person to allow a domestic animal to approach a town employee or agent of the town in a vicious or terrorizing manner in an apparent attitude of attack even if the domestic animal is on the property of said person or an agent of said person.

8.304 HORSES, CATTLE, HOGS AND OTHER LIVESTOCK. No persons shall keep any livestock in the Town of Youngsville within 300 feet of any public street or within 300 feet of the residence of any other persons.

8.305 ENFORCEMENT OF DOMESTIC ANIMAL ORDINANCE It shall be the duty of the Chief of Police and/or his acting agent to seize, capture and take any dog when he shall find such dog off of the land or premises of the owner or keeper and unaccompanied by the owner or keeper at any hour of the day or night, and to turn said dog over to the Franklin County Animal Control to be kept or disposed of as provided by the laws and regulations of Franklin County. The Chief of Police and/or his acting agent shall make all attempts possible to capture the dog if it is off the owner's property or the ownership is unknown. After all attempts are made, the Chief of Police and/or his acting agent will contact Franklin County Animal Control for assistance. A violation of any part of this ordinance shall be punishable as a general misdemeanor pursuant to the Statutes of North Carolina.

8.306 CHICKENS. Any resident wanting to have chickens in the Town limits for laying purposes shall be allowed to have up to 6 hens (no roosters will be allowed). They will have to follow the above ordinance (8.301 to 8.305) as related to animals to include distance from other residents or public streets. They will have to be kept in a coop or in a fenced area. The only exception to this ordinance will be the distance. The exception will be allowed if the resident gets signed permission from their landlord if they are renting their residence and also signed permission from all property owners within 300 feet of the location of the chicken coop or fence. Violations of this ordinance shall include the following: over 6 hens, not having permission from neighbors, smell, animals not being cooped or fenced.

Adopted this the 12th day of May, 2011.

Samuel K. Hardwick, Mayor

ATTEST:

Emily H. Hurd, Town Clerk

CHAPTER 9

BUILDING CODES

GENERAL BUILDING REGULATIONS

9.101 BUILDING INSPECTOR. Such officer or employee as the Board may appoint shall be the Building Inspector for the Town of Youngsville and he shall possess all the powers conferred and perform all the duties prescribed by G.S. 160-117 and other Statutes applicable thereto. He shall possess such further power and perform such further duties as may be prescribed in this Chapter. He shall receive the fees allowed by Statute. The said Inspector or his deputy shall have the right to enter, at all reasonable times, any building structure or premises, within the Town, for the purpose of inspecting, or in the performance of his duties. He shall make, or cause to be made, such inspection of all chimneys, flues, steam and fire openings within the Town. He may, when occasion requires, appoint a deputy or deputies, to perform any part of his duties.

9.102 BUILDING PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to hereafter erect, construct or build, or cause or authorize the same on any lot or parcel of land within the corporate limits any building or structure of any kind or description, without and until such person, firm or corporation first submits to the Building Inspector through the office of the Town Clerk, a duly signed and completed application for a building permit for such a building or structure, such applications to be accompanied by plans and specifications for such a building or structure, the material to be used in such building or structure, the proposed location thereof, the purposes for which such building or structure is to be used, the cost of such a building or structure, and such other information concerning the same that will enable said Building Inspector to properly pass upon the application of such person, firm or corporation, to erect, build or construct such a building or structure within the corporate limits and until such person, firm or corporation obtains such a permit to erect, build or construct such a building or structure as described in the application for permit, it shall be unlawful for such person, firm, or corporation to proceed with the erection, building or construction of such a building or structure as herein provided.

9.103 BUILDING PERMIT FEES. The following fees shall be charged for all building permits:

Nothing to \$100.00	-	No charge
\$101.00 to \$500.00	-	\$1.00
\$501.00 to \$1000.00	-	\$3.00
\$1001.00 to \$5000.00	-	\$5.00
All above \$5000.00	-	\$10.00

Revised 1974

Under \$1,000.00	-	\$2.00
\$1000.00 to \$50,000	-	\$5.00
Over \$50,000	-	\$10.00

Revised 2007 – See Ordinance 11.201

9.104 NATIONAL BUILDING CODE ADOPTED. The "National Building Code, Abbreviated Edition, 1949" of the National Board of Fire Underwriters is hereby adopted as the official Building Code of the Town of Youngsville, N.C.

9.105 STREET NUMBERING FOR RESIDENTS ORDINANCE

An ordinance requiring every owner of a building, house, home, business or vacant lot to display proper street numbers on same.

Numbers should be no less than 3 inches high and placed in a conspicuous place so as to be visible and readable from the street or parking lot which serves said building. The numbers may be placed on the building or on a 2 foot high 4 inch by 4 inch post painted white at the edge of the town's utility right of way in the center of the front lot line of the vacant lot.

The purpose of this ordinance is to ensure the health and welfare of all Youngsville residents.

This shall be effective January 1, 1996.

This ordinance adopted by the Youngsville Town Board August 10, 1995.

(Lynwood Buffaloe)
Lynwood D. Buffaloe
Mayor

ATTEST:
(Brenda T. Patterson)
Brenda T. Patterson
Administrator/Clerk

ADDITIONAL BUILDING REGULATIONS

9.201 CHIMNEYS AND FLUES

(a) All the fireplaces and chimneys in stone or brick walls in any building hereafter erected and any such chimneys hereafter repaired, shall have the joints struck smooth on the inside, and the fireplaces or fire backs hereafter constructed shall be not less than eight inches in thickness of solid masonry, the chimney walls to be not less than four inches thick, the top of the chimney to extend at least five feet above the roof for flat roofs, and two feet above the ridge of any pitched roof.

(b) No chimney shall be built or started upon a beam of wood or floor, the brickwork, in all cases to start from the ground with the proper foundation.

(c) Hanging flues (that is, built for the reception of stove pipes built otherwise than from the ground), shall be allowed only when built according to the following specifications: The flue shall be built four inches thick of the best hard brick laid on flat side never on edge, extending at least three feet above the roof, and always above the come of the roof, lined on the inside with cast iron or fire clay flue lining from the bottom of the flue to the extreme height of the flue, and the ends of all such lining pipe being made to fit close together and the lining pipe to be built in as the flue is carried up. If the flue starts at the ceiling and receives the stove pipe vertically it shall be hung on iron stirrups, bent to come flush with the bottom of ceiling joints, and in no case shall any wood be within five inches of a stove pipe. All flues shall have a proper and sufficient support at their base, and in no case shall they be supported even partially by contact in passing with partitions, ceilings, or roofs.

(d) No stove pipe shall pass through any roof, window, or weatherboarding. If any chimney, flue or other heating apparatus on any premises, shall in the opinion of the inspector endanger the premises the inspector shall at once notify the owner of such premises. If such owner or agent fails for a period of forty-eight hours after the service of said notice upon him to make sure chimney, flue or heating apparatus safe he shall be guilty of a misdemeanor.

9.202 GASOLINE STORAGE TANK. It shall be unlawful for any person to construct or erect any storage tank for gasoline, oil or other combustible or inflammable materials, containing or capable of containing more than one hundred gallons, unless the top of such tank or container is buried at least two feet below the surface of the ground at that point, and unless a permit for such construction or erection shall be first obtained upon application from the Town Clerk. The Clerk shall not issue such permit unless directed by the Board.

9.203 ORDINANCE RELATING TO FIRE PROTECTION AND PREVENTION

Section 1. BUILDING INSPECTOR, APPOINTMENT. The Board of Commissioners shall appoint some qualified person to perform the duties of Inspector as prescribed in this article. The person so designated shall be known as the "Building Inspector".

Section 2. DEPUTY INSPECTORS. All duties imposed by this article upon the Building Inspector may be performed by a deputy appointed by such inspector.

Section 3. BUILDING PERMITS. Before a building is begun the owner of the property shall apply to the inspector for a permit to build. This permit shall be given in writing and shall contain a provision that the building shall be constructed according to the requirements of the building law, a copy of which shall accompany the permit. As the building progresses the Inspector shall make as many inspections as may be necessary to satisfy him that the building is being constructed according to the provisions of this law. As soon as the building is completed the owner shall notify the Inspector, who shall proceed at once to inspect the said building and determine whether or not the flues and the building are properly constructed in accordance with the building law. If the building meets the requirements of the building law, the Inspector shall then issue to the owner of the building a certificate which shall state that he has complied with the requirements of the building law as to that particular building, giving description and locality and street number, if numbered. The Inspector shall keep his record so that it will show readily by reference all such buildings as are approved. The Inspector shall report to the Insurance Commissioner every person neglecting to secure such permit and certificate, and also bring the matter before the Mayor, Recorder or Municipal Court for their attention and action.

Section 4. MATERIAL USED IN CONSTRUCTION OF WALLS. The walls of all buildings, other than frame or wooden buildings, shall be constructed of brick, iron or the hard, incombustible material. All rules, regulations and requirements contained in the building law, or set out in this article in regard to the erection of buildings, or any part thereof, shall apply also where any building or walls, or any part thereof, is proposed to be razed, altered, repaired or added to, in order that the objects of the law may be accomplished and deficiencies and menaces to the safety of the Town may not be made or perpetuated.

Section 5. FRAME BUILDING WITHIN FIRE LIMITS. Within the fire limits, as established and defined, no frame or wooden building shall be hereafter erected, altered, repaired or moved except upon the permit of the Building Inspector, approved by the Insurance Commissioner.

CONDEMNATION

9.301 INSPECTION OF DANGEROUS BUILDINGS OR STRUCTURES. Whenever the Board of Commissioners of the Town of Youngsville is informed that any building, or other structure, within the Town is especially dangerous in case of fire, by reason of the bad condition of walls, defective construction, decay, or other causes, or is so situated as to endanger the lives of persons passing by or residing in the vicinity thereof, they shall forthwith require the Building Inspector, together with the Mayor, to make a survey of said building, or structure, and report to them their opinion of the same.

9.302 OWNER TO CORRECT HAZARD. After inspection and in accordance with its conclusions, the Board of Commissioners shall find that said building, or structure, is in a

condition to especially endanger the lives of persons or property, they shall, without delay, notify the owner or agent of such building or structure, in writing, to have the same removed or otherwise properly secured within ten days; provided, that where the public safety requires immediate action, the notice to remove or properly secure may be limited to meet the urgency of the case; and should any such owner or agent fail to comply with said notice, it shall be the duty of the Building Inspector to have the same demolished or removed, or so much thereof as may be necessary, and the expense thereof shall be charged against such owner or agent.

9.303 OWNER RESPONSIBLE FOR COST. Whenever a building, structure, or part thereof, which endangers life or property shall have been demolished by the Building Inspector, in accordance with the preceding sections of this Article, it shall be the duty of the Town Clerk promptly to make out bills for the expense incurred in said work against the owner or owners of such property or structure, and in case such bills are paid upon presentation, they shall be placed in the hands of the Town Attorney who shall enforce the lien against the real estate on which such building was or is located and collect the same as provided by law. THE ABOVE ORDINANCE IS ADOPTED IN CONJUNCTION WITH AND ACCORDING TO G.S. 160A-411 THROUGH 160A-439

9.304 CONDEMNATION-WATER AND SEWER

Motion by Commissioner E.J. Pearce seconded by Commissioner W.R. Pearce and duly carried, that Section 1 of Article III of Chapter G of the Code of General Ordinances of the Town of Youngsville be amended as follows:

By adding after the third sentence in said Section 1, the following:
"If the building inspector shall find that any building in the Town occupied or designed to be occupied as human habitation, is not connected to the Town water and sewer system for purposes of sanitation, he shall forthwith condemn said building as unfit for human habitation, and shall post notice of such condemnation and the reason there of at some conspicuous place on said building, and thereafter it shall be unlawful for any person, firm or occupation to rent, lease, use, occupy or permit the occupation or use of such building as a human habitation until such water and sewer connections have been made and the same shall have been inspected and approved by the building inspector."

9.305 AN ORDINANCE DEALING WITH ABANDONED STRUCTURES

WHEREAS, the Town of Youngsville has an ordinance requiring minimum standards of housing located within the Town of Youngsville, and

WHEREAS, the Town of Youngsville desires to have a method for dealing with abandoned structures which are a health or safety hazard within the Town of Youngsville, and

WHEREAS, N.C.G.S. Section 160A-441 allows municipalities to regulate such facilities by ordinance, and

WHEREAS, it is in the best interest of the citizens of the Town of Youngsville to have some protection from potentially dangerous buildings;

NOW, THEREFORE, be it ordained by the Board of Commissioners of the Town of Youngsville, North Carolina:

1. Any abandoned structure located within the town limits of the Town of Youngsville which is found to be a health or safety hazard shall be repaired, closed or demolished in accordance with and pursuant to the minimum housing standards ordinance for the Town of Youngsville.

This the 12th day of March, 1992.

By: (Lynwood Buffaloe)

Attest:
(Deborah G. Pearce)
Town Clerk
VOTED FOR 5
VOTED AGAINST 0

9.306 ORDINANCE AMENDING PROCEDURE FOR DEALING WITH UNSAFE, ABANDONED STRUCTURES

WHEREAS, the Town of Youngsville has an ordinance requiring minimum standards for abandoned structures and providing procedures by which to repair, close or demolish those structures consistent with the ordinance establishing minimum housing standards, and

WHEREAS, the Town of Youngsville desires to have an explicit procedure for dealing with abandoned structures which is geared specifically for non-residential structures but still consistent with the ordinance establishing minimum housing standards, and

WHEREAS, N.C.G.S. 160A-441 allows municipalities to regulate such structures by ordinance where the structure presents 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 facilities and

WHEREAS, it is in the best interest of the citizens of the Town of Youngsville to have more specific procedure allowing protection from unsafe, abandoned structures;

NOW, THEREFORE, be it ordained by the Board of Commissioners of the Town of Youngsville, North Carolina:

9.306.1 Purpose: 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, it is the purpose of this ordinance to establish minimum standards of fitness for abandoned structures present in the Town of Youngsville and to provide a mechanism by which to enforce those standards where defective conditions render such structures unsafe, unsanitary, dangerous and detrimental to the health, safety, morals and welfare of the residents of the Town.

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

1. Abandoned structure shall mean any structure, as defined herein below, which is not being used for any significant commercial, industrial, or storage purposes by its owner, operator or an agent or assignee thereof; and which is not being maintained in a regular and continuous fashion, by its owner or operator, so as to be in compliance with the minimum standards of fitness established herein, as determined by finding of the inspector.

2. Basement shall mean a portion of a structure which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

3. Board shall mean the Board of Commissioners for the Town of Youngsville, North Carolina.

4. Cellar shall mean a portion of a structure 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.

5. Deteriorated shall mean a structure that presents a 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 facilities, and can be repair, altered or improved to comply with all minimum standards established by this ordinance at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

6. Dilapidated shall mean a structure that presents a 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 facilities, and cannot be repaired, altered or improved to comply with all minimum standards established by this ordinance except at a cost in excess of 50% of its value, as determined by finding of the Inspector.

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

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

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

10. Infestation shall mean the presence, within or around an abandoned structure, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the citizens of the Town.

11. Inspector or Building Inspector shall mean the Town's Zoning Enforcement Officer or any authorized agent of the Inspector.

12. Occupant shall mean any person over one year of age, living, sleeping, cooking or eating in or having actual possession of a structure, whether or not such occupation is with the consent of the owner or operator of the structure.

13. Operator shall mean any person who has charge, care or control of an abandoned structure of part thereof.

14. Owner shall mean any person who alone, jointly, or severally with others:

- a. Shall have title to any abandoned structure, with or without accompanying actual possession thereof; or
- b. Shall be mortgagee of record for any abandoned structure; or
- c. Shall have charge, care or control of any abandoned structure as owner or agent of the actual owner, or as executor, administrator, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

15. Party or parties in interest shall mean all persons who have interests of record in an abandoned structure and any persons who are in possession thereof.

16. Person shall mean any individual, corporation, firm, partnership, association, organization or other legal entity.

17. Public Authority shall mean any officer who is in charge of any department or branch of the government of the Town or of Franklin County or of the State of North Carolina relating to health, fire, building regulations or other activities concerning structures in the Town.

18. Rubbish shall mean non-organic waste materials. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and dust.

19. Structure shall mean any building not intended for use for living, sleeping or habitation by human occupants, and includes any appurtenances belonging thereto or usually

enjoyed therewith. Any building which is intended for use for human habitation shall come within the auspices of the ordinance to establish minimum housing standards.

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

21. Town shall mean Town of Youngsville, North Carolina.

22. Unsafe shall mean that conditions exist in the abandoned structure which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this ordinance.

23. Words having certain meaning. Whenever the words "abandoned structure" or "structure" are used in the ordinance, they shall be construed as though they were followed by the words "or any part thereof."

9.306.3 Minimum Standards of Fitness for Abandoned Structures

1. Every abandoned structure in the Town shall comply with all the minimum requirements of Sections 4, 5, 6, 7 and 8 of this Ordinance.

2. No owner-operator shall allow an abandoned structure to violate or fail to comply with all the minimum requirements of Sections 4, 5, 6, 7 and 8 of this Ordinance.

3. No owner-operator shall allow any person to occupy, as a residence, nor shall any person occupy, as a residence, any structure not intended for human habitation which violates or fails to comply with all the minimum requirements of Sections 4, 5, 6, 7 and 8 of this Ordinance.

9.306.4 Minimum Standards of Structural Condition

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

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

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

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

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

6. The roof, flashing, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and watertight.

7. 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.

9.306.5 Minimum Standards for Basic Plumbing, Heating and Electrical Equipment and Facilities.

The plumbing, heating and electrical equipment and facilities shall be kept so as to comply with applicable town, county and state regulations covering the intended, expected or reasonable use of the structure. All equipment and facilities shall be maintained in a manner such as to not to increase the risk of fire, accident, contamination or other calamities.

9.306.6 Minimum Standards for Ventilation.

Ventilation shall be provided and maintained for the interior of the structure so as to comply with applicable town, county and state regulations covering the intended, expected or

reasonable use of the structure. All ventilation shall be maintained in a manner such as to not to increase the risk of fire, accident, contamination or other calamities.

9.306.7 Minimum Standards for Safe and Sanitary Maintenance.

1. Every exterior foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent-proof; shall be kept in sound condition and good repair; and shall be capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with some protective covering to prevent the entrance or penetration of moisture or the weather.

2. Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in good condition and good repair; and shall be safe to use and capable of supporting the load which normal use would caused to be placed thereon.

3. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

4. Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable to supporting the load that normal use would caused to be placed thereon and shall be kept in sound condition and good repair.

5. Every bathroom surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.

6. Any supplied facility, piece of equipment or utility which is required under applicable town, county or state regulations shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

7. Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

8. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health

9. Every structure shall be provided with adequate means of egress as required by the applicable town, county or state regulations.

9.306.8 Minimum Standards for the Control of Insects, Rodents and Infestations.

1. Every window used or intended to be used for ventilation, and every opening to the structure which might provide an entry for rodents and/or other pests shall be equipped with screen or such other approved devices as will deter their entrance.

2. Every owner or operator of a structure shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Where the owner or operator of a structure is different from the actual occupant, it shall be permissible for the owner/operator to contract with the occupant to shift the responsibility for extermination of any insects, rodents or other pests to the occupant. Where the infestation is a result of the owner-operator's failure to maintain the structure in a rodent-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner-operator, regardless of any attempted contractual shift of responsibility.

3. The owner, operator, or agent in control of the structure shall be responsible for the removal of garbage and rubbish in accordance with the existing Town provisions, if any, for garbage and rubbish removal.

9.306.9 Powers and Duties of Building Inspector.

The Building Inspector is hereby designated as the officer to enforce the provisions of this ordinance and to exercise the duties and powers herein prescribed. The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance. The Building Inspector shall have the powers and duties:

1. to investigate the condition of structures located in the Town to determine which are unsafe, abandoned structures and fail to comply with this ordinance;
2. to take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of abandoned structures which are deteriorated;
3. to keep a record of the results of inspections made under this ordinance and an inventory of those structures that do not meet the minimum standards of fitness herein prescribed;
4. to administer oaths and affirmation, examine witnesses and receive evidence;
5. to enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with Section 10 of this ordinance and State law, and shall be made in such manner as to cause the least possible inconvenience to the owner, operators, or occupants of the structures;
6. to appoint and fix the duties of such officers, agents, employees as he deems necessary to assist in carrying out the purposes of this ordinance and to delegate any of his functions and powers to such officers, agents and employees;
7. to obtain, where necessary and with the approval of the Board, any specialists in the field of construction, architecture or structural engineering to assist in an evaluation of the fitness of a structure; and
8. to perform such other duties as may be prescribed herein or by the Board.

9.306.10 Inspections

For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all structures to which this ordinance may apply. The owner, operator, agent thereof, or occupant shall give the Inspector free access to such structure and its premises at all reasonable times for the purposes of such an inspection, examination and survey.

9.306.11 Procedure for Enforcement

1. Preliminary Investigation; Notice; Hearing. Whenever a petition is filed with the Inspector by a Public Authority or by at least five residents of the Town charging that any abandoned structure is unsafe, or whenever it appears, to the Inspector, upon inspection, that any abandoned structure is unsafe, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest of such structure a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than thirty days after the serving of the complaint. The owner of any party in interest shall have 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. Notice of such hearing shall also be given, where applicable, to at least one of the persons signing a petition relating to such structure. Any person desiring to do so may attend such hearing and give relevant evidence. The rules of evidence as followed in courts of law or equity shall not be controlled in hearings before the Inspector.

2. Procedure after Hearing. After such notice and hearing, the Inspector shall state in writing his determination as to whether the abandoned structure is unsafe, and if so, whether it is deteriorated or dilapidated.

If the Inspector determines that the abandoned structure is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, or improve such abandoned structure to comply with the minimum standards of fitness established by the ordinance within a specified period of time, not to exceed 90 days.

3. Failure to Comply with Order.

a. In Personam Remedy: If the owner of any deteriorated abandoned structure shall fail to comply with an order of the Inspector within the time specified, or if the owner of a dilapidated abandoned structure shall fail to comply with an order of the Inspector within the time specified, the Inspector shall submit to the Board at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by N.C.G.S. 160A-446(g).

b. In Rem Remedy: After failure of an owner of a deteriorated or dilapidated structure to comply with an order of the Inspector within the time specified, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph, the Inspector to cause such structure to be repair, altered, improved, vacated, closed, removed or demolished as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such structure as provided by N.C.G.S. 160A-443 and Section 13 of the ordinance.

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

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

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.

5. Petition to Superior Court by Owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by N.C.G.S. 160A-446(f).

9.306.12 Methods of Service of Complaints and Order. Complaints and orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this ordinance in a newspaper having general circulation in the Town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

9.306.13 In Rem Action by Inspector; Placarding. After failure of an owner of a structure to comply with an order of the Inspector issued pursuant to the provisions of the ordinance, and upon adoption by the Board of an ordinance authorizing and directing him to do so, as provided by N.C.G.S. 160A-443(5) and Section 11(3)(b) of this ordinance, the Inspector shall proceed to cause such structure to be repaired, altered or improved to comply with the minimum standards of fitness established by this ordinance, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board, and shall cause to be posted on the main entrance of such structure a placard with the following words: "This building is unsafe; the use or occupation of this building is prohibited and unlawful.: Use or occupation of a structure so posted shall constitute a misdemeanor.

Each ordinance shall be recorded in the office of the Register of Deeds of Franklin County, and shall be indexed in the name of the property owner in the grant or index, as provided by N.C.G.S. 160A-443(5).

9.306.14 Costs, a Lien on Premises. As provided by N.C.G.S. 160A-446(6), the cost of any repairs, alteration, or improvement, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to Section 13 of the Ordinance shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by Article 10, Chapter 160A of the North Carolina General Statutes.

9.306.15 Alternative Remedies. Neither this ordinance 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 abatement by summary action or otherwise, or to enforce this ordinance by criminal process as authorized by N.C.G.S. 14-4 and Section 17 of this ordinance, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

9.306.16 Zoning Board of Adjustment to Hear Appeals. All appeals which may be taken from decisions or orders of the Inspector pursuant to Section 11(4) of this ordinance shall be heard and determined by the Zoning Board of Adjustment. As the appeals body, the Zoning Board of Adjustment shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper

discharge of its duties. The Zoning Board of Adjustment shall perform the duties prescribed by Section 11(4) and shall keep an accurate journal of all its proceedings.

If the Zoning Board of Adjustment consists of more than 5 members, the chairman shall designate five members to hear appeals under this ordinance.

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

9.306.18 Violations; Penalty.

1. It shall be unlawful for the owner of any structure to fail, neglect or refuse, to repair, alter, or improve the same, or to vacate and close 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. Each day such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

2. It shall be unlawful for the owner of any structure, with respect to an order which has been issued pursuant to Section 11 of this ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

3. The violation of any provision of this ordinance shall constitute a misdemeanor, as provided by N.C.G.S. 14-4.

4. In addition to the penalty established by subsection (3) above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

9.306.19 Severability. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

9.306.20 Effective date. This ordinance shall be effective on the date of adoption.

Adopted this the 9th day of February, 1995.

By: (Lynwood Buffaloe)
Lynwood D. Buffaloe, Mayor

ATTEST:
(Brenda T. Patterson)
Brenda Patterson, Town Clerk

MINIMUM HOUSING STANDARDS ORDINANCE

AN ORDINANCE ESTABLISHING MINIMUM HOUSING STANDARDS

9.401 Finding; Purpose; Authority

Pursuant to G.S. 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 or 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.

9.402 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 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 proved in this Chapter.
- (c) The provisions of this Chapter shall also apply to abandoned structures which are found by the Board of Commissioners to be a health or safety hazard as a result of the attraction of the 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 9.403 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 its value*, as determined by finding of the Housing Inspector.

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 50% of its value*, as determined by finding of the Housing Inspector.

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, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.

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.

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 Commissioners 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 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, 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 the 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.

Supplied. Paid for, furnished or provided by, or under the control of, the owner or operator.

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”.

9.404 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 Commissioners, 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. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

(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.

9.405 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.

9.406 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 the county in which the subject property exists, 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.

9.407 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 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 regress in case of fire or panic
- (g) Defects significantly increasing the hazards of fire, accident or other calamities.
- (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 stands 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.

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.

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 electrical 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 seventy (70) 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 seventy (70) 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 a manner as determined by the Electrical 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 Electrical Code.

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 of 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 part of the floor area in computing the total area of the room to determine the 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.

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 joining such window area, except where the windows face a stairwell, window well or access way.

SAFE AND SANITARY MAINTENACE 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 entrance or 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.

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 Chapter 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.

INSECT, RODENT AND INFESTATION CONTROL STANDARDS

Screens

(30) 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

(31) 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.

Infestation

(32) 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

(33) Every dwelling shall be supplied with approved containers and covers for storage of rubbish as may be required by Town Codes, 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

(34) 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 may be required by Town Codes.

Smoke Detector Systems

(35) 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.

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) 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.

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 9.408 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 or noncompliance, however, shall constitute a violation of the terms of this Chapter and shall subject the violator to the penalties and enforcement procedures of Section 12.101, General Penalties; Enforcement of Ordinances; Continuing Violations. 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 9.406, 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 9.409 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;

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 Chapter 12, Section 12.101, General Penalties; Enforcement of Ordinances; Continuing Violations.

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 this 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 9.410 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.
- (c) The duties of the Housing Inspector set forth in Subsections (a) and (b) shall not be exercised until the Board of Commissioners 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 Standards. 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. The 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 Commissioners 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 Commissioners 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.

Section 9.411 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.

Section 9.412 Appeals.

- (a) The Board of Commissioners 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 Commissioners 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 Town Clerk, a 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 Housing Appeals Board 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.
- (e) 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. 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 9.413 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 Chapters 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, as set forth in Chapter 12, Section 12.101, General Penalties; Enforcement of Ordinances; Continuing Violations, of the Code of Ordinances Town of Youngsville.

No dwelling shall be hereafter erected, altered, moved, or changed in occupancy without a Certificate of Compliance. 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 Compliance 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 Compliance 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 Chapter 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 9.414 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 Chapter 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 9.415 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. It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to Section 9.409, 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 9.416 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 Commissioners 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 THREE. That all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PART FOUR. That this Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Youngsville, North Carolina.

Adopted this 13th day of March, 2014.

ORDINANCE REGARDING ENFORCEMENT OF MINIMUM HOUSING STANDARDS

9.501 WHEREAS, the Town of Youngsville adopted an ordinance establishing minimum housing standards, pursuant to the authority contained in Part 6, Article 19, Chapter 160A, North Carolina General Statutes, and

WHEREAS, on 4 January 1989, Vernon Scarborough, Inspector, on his own motion inspected the house and lot located at 211 South Nassau Street and,

WHEREAS, on 23 January 1989, the Inspector issued a complaint to the owner of said premises, the heirs of the late Lucinda Holden, which complaint alleged that the premises were in violation of the Minimum Housing Code, and,

WHEREAS, this Complaint was properly served upon the parties in interest in these proceedings, and

WHEREAS, the Inspector, at the hearing on 22 February 1989 concluded as a matter of law that said dwelling did not comply with the minimum housing standards because of the following defects:

a. The structure violates Section 4 of the Ordinance, which section is entitled "Minimum Standards of Structural Condition" because it is structurally unsound due to leaning and rotten timber, several rooms have no floors, the structure is not weather tight, the chimney possesses structural defects, and the chimney poses a fire hazard.

b. The structure violates Section 5 of the Ordinance which section is entitled "Minimum Standards for Basic Plumbing, Heating, and Electrical Equipment and Facilities" because it is not connected to the Town water supply, it does not have a functional indoor plumbing, it lacks

indoor sewage disposal systems, it lacks electrical systems, and it lacks adequate weathering protection.

c. The structure violates Section 8 of the Ordinance, which section is entitled "Minimum Standards for Safe and Sanitary Maintenance" because the house fails to meet the basic requirements of this section since its walls and floors are not secure against rodents and since rubbish is present in the yard.

d. The structure violates Section 9 of the Ordinance, which section is entitled "Minimum Standards for Control of Insects, Rodents, and Infestations" since the dwelling has not been maintained in a rodent proof condition, nor has garbage been properly removed from the premises.

WHEREAS, the Inspector ordered the owners of said premises to vacate the dwelling, and remove and demolish it; or, in the alternative, bring the dwelling into conformity with the Town Housing Code on or before 1 May 1989, and

WHEREAS, said Order stated that if the owners failed to comply, the Inspector would obtain from the Board of Commissioners of the Town of Youngsville an Order directing the Inspector to cause such dwelling to be removed or demolished, with the cost of removal or demolition by the Inspector to be a lien against the real property, and

WHEREAS, this Order was properly served upon the parties in interest in these proceedings and,

WHEREAS, the owners of the premises have not complied with said Order, and

WHEREAS, the Inspector has requested that the Commissioners direct him to remove or demolish the dwelling, pursuant to the authority vested in the Commissioners by the terms of N.C.G.S. Section 160A-443(5) and Section 14(c)(2) of the Ordinance establishing minimum housing standards and,

That the Inspector shall place a placard on the property which says "This building is unfit for human habitation; the use or occupation for human habitation is prohibited and unlawful", pursuant to Section 16 of the Ordinance establishing minimum housing standards and

That the Inspector record this Ordinance among the public records in the Franklin County Register of Deeds, pursuant to N.C.G.S. Section 160A-443(5) and Section 16 of the Ordinance establishing the minimum housing codes.

Passed this the 11th day of May, 1989.

By: (Lynwood Buffaloe)
The Honorable Lynwood Buffaloe
Mayor

ATTEST:

By: (Deborah G. Pearce)
Town Clerk

NON-RESIDENTIAL BUILDING OR STRUCTURE STANDARDS

Section 9.601 Title

This Chapter shall be known as the "Non-Residential Building or Structure Standards" for the Town of Youngsville, and may be cited as such, and will be referred to hereinafter as "this Chapter."

Section 9.602 Purpose

It is the purpose of the provisions of this Chapter to provide a just, equitable and practicable method to evaluate whether non-residential buildings or structures fail to meet minimum standards of maintenance, sanitation, and safety established by the Town. The minimum standards address conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures. The provisions of this Chapter are cumulative with and in addition to any other remedy provided by law including the current editions of standard codes adopted by the Town of Youngsville.

Section 9.603 Findings; Authority

Pursuant to Chapter 160A-439 of the General Statutes of North Carolina, it is hereby found and declared that there exist in the Town non-residential buildings or structures which are unsafe and especially dangerous to life because of liability to fire or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress and other causes.

In addition, it is hereby found and declared, that there exist in the Town non-residential buildings or structures which, although not meeting the classification of unsafe and especially dangerous to life, fail to fully comply with all the minimum standards for non-residential buildings or structures 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 non-residential buildings or structures which render them unsafe and especially dangerous to life.

Section 9.604 Scope; Jurisdiction

The provisions of this Chapter shall apply to all existing non-residential buildings or structures and to all non-residential buildings or structures hereafter constructed within the corporate Town limits as now or hereafter established.

Section 9.605 General Definitions and Interpretations

Unless specifically defined in Section 9.606, words used in the Non-Residential Building or Structure Standards shall have their respective customary dictionary definitions. For the purpose of these regulations certain words, terms or phrases used herein are interpreted and defined as follows:

Words used in the present tense shall include the future tense.

Words used in the singular shall include the plural and words used in the plural shall include the singular.

The words "shall" and "will" always indicate MANDATORY. The words "should" and "may" always indicate OPTIONAL.

The word "lot" includes the words "plot" and/or "parcel".

The word "building" includes the word "structure".

The word "person" includes a "firm, association, organization, partnership, trust, company, corporation and/or individual".

The word "use" includes the terms "arranged, designed, and/or intended" for a use, activity and/or purpose.

The term "Appeals Board" shall always indicate the BOARD OF COMMISSIONERS OF THE TOWN OF YOUNGSVILLE, NORTH CAROLINA, acting in the capacity to hear and act upon Appeals of any decision of the Code Administrator.

The term "Board of Commissioners" shall always indicate the BOARD OF COMMISSIONERS OF THE TOWN OF YOUNGSVILLE, NORTH CAROLINA.

Section 9.606 Special Definitions and Interpretations

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

Building: Any covered structure intended for shelter, housing or enclosure of persons, animals, facilities, equipment or chattels; the term Building shall be construed to include the term Structure; furthermore, it shall be construed as if followed by the term or part thereof.

Building, Accessory: A detached subordinate building located on a lot, parcel or tract whose use is incidental to that of the principal building. A building cannot be considered accessory unless it accompanies a principal building on the same lot, parcel or tract.

Building, Principal: A building in which the principal use of the lot, parcel or tract is conducted.

Building Code: The North Carolina State Building Code

Deterioration: The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, rusting, peeling paint or other evidence of physical decay or loss of structural integrity.

Fire Hazard: (see also **Nuisance**) Anything or act which increases, or may cause an increase of, the hazard, likelihood or menace of fire to a greater degree than reasonable for the conduct of the non-residential use on the premises, or which may unreasonably obstruct, delay, or hinder, or may unreasonably become the cause of an obstruction, a delay, a hazard or an unreasonable hindrance to the prevention, suppression or extinguishment of fire.

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

Infestation: The haunting or overrunning by rats, snakes, birds, insects or other destructive vermin or animals that endanger the public health and safety.

Non-Residential Building or Structures Standards Inspector: The person delegated as such by the Board of Commissioners of the Town of Youngsville. (Hereinafter referred to as "the Inspector".)

Nuisance:

- 1) Any public nuisance known as common law or in equity jurisprudence, or as provided by the statutes of the State of North Carolina, or the ordinances of the Town of Youngsville; or.
- 2) Any condition including an attractive nuisance which may prove detrimental to human health or safety whether in a building, on the premises of a building, or part of a building or upon an occupied lot; or.
- 3) Physical conditions dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exists; or
- 4) Unsanitary conditions or conditions that are dangerous to public health, well-being or the general welfare; or
- 5) Fire hazards or other safety hazards.

Occupant: Any person who has charge, care or control of a non-residential building or structure or a part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to possession regardless of whether the building or structure is actually occupied or not.

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

Parties In Interest: All individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

Physical Valuation: The estimated cost to replace a building in kind.

Plumbing: All of the following supplies, facilities and equipment: gas pipes, gas burning equipment, water pipes, water heaters, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, vents and other similar fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with HVAC equipment.

Premises: A lot, plot or parcel of land including the buildings or structures thereon, under control by the same owner or occupant, devoted to or zoned for non-residential use.

Public Sanitary Sewer: Any sanitary sewer owned, operated and maintained by the Franklin County Public Utilities and available for public use for the disposal of sewage.

Rubbish: Combustible and non-combustible waste materials, except garbage and ashes, including, but not limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Sewage: Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or water-carried waste from any other fixture, equipment or machine.

Structurally Sound: Substantially free from flaw, defect, decay or deterioration to the extent that such structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

Structure: Anything constructed or erected which requires location on the ground. (Refer to the definition of "building" herein.)

Supplied: Paid for, furnished or provided by, or under control of, the owner or occupant.

Vacant Industrial Warehouse: Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.

Vacant Manufacturing Facility: Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

Section 9.607 Office of Non-Residential Building or Structure Standards Inspector Created; Powers and Duties

- (a) For the purposes of administering and enforcing the provisions of this Chapter the office of Non-Residential Building or Structures Standards Inspector, (herein called "Inspector"), is hereby created.
- (b) The Inspector shall be appointed by the Town Board of Commissioners and shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provision of this Ordinance, including without limiting the generality of the foregoing, in addition to others herein granted, the following powers:
 - (1) To investigate the non-residential building conditions in the jurisdiction in order to determine which buildings therein are unsafe, being guided in such examinations of buildings by the requirements set forth in this Chapter and for the purpose of carrying out the objectives of this Chapter with respect to such non-residential buildings or structures.
 - (2) To administer oaths and affirmations and to examine witnesses and receive evidence.
 - (3) To enter upon and within premises and buildings for the purpose of making examinations and investigations; provided, that such entries shall be made at reasonable hours in such a manner as to cause the least possible inconvenience to the persons in possession.

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

Section 9.608 Duties and Responsibilities of the Owner

It shall be the duty and responsibility of the owner to maintain all non-residential buildings or structures in accordance with all standards for non-residential buildings or structures fitness as stated in this Chapter.

Section 9.609 Duties and Responsibilities of the Occupant

It shall be the duty and responsibility of the occupant to ensure that:

- 1) All parts of the premises under the control of the occupant shall be kept in a safe, clean and sanitary condition consistent with the non-residential use and the occupant shall refrain from performing any acts which would render any part of the building or premises unsafe or unsanitary or which would obstruct any adjacent owner/occupant from performing any duty required, or from maintaining his building or premises in a safe and sanitary condition.
- 2) Every occupant shall be responsible for the elimination of infestation in and on the premises, subject to his control.
- 3) Every occupant shall maintain all supplied plumbing fixtures in a safe and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
- 4) No garbage or solid waste shall be stored or allowed by the occupant to accumulate on the premises unless contained in a trash receptacle(s) which is in accordance with the Ordinances of the Town of Youngsville.
- 5) Damage to public sidewalks and/or curb and gutter located in the public right-of-way shall be repaired or replaced at no expense to the Town when such damage is caused by vehicles making deliveries to the non-residential use under the control of the occupant.
- 6) Where the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the same is found to be defective or inoperable, the occupant affected thereby shall, upon learning of such defect, provide notice to the owner.

Section 9.610 Relationship of Duties and Responsibilities to Occupancy

The provisions of this Chapter that apply to the exterior or exterior components of a structure or building or to the premises shall be complied with whether the structure or building or premises is occupied or vacant. All unoccupied or vacant structures or buildings shall be secured by their owners to prevent the entry of unauthorized persons or the formation of nuisance conditions such as infestation.

Section 9.611 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 Commissioners hereby declares that it would have passed this Ordinance 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.

Section 9.612 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 jurisdiction shall prevail. The North Carolina State 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 Ordinance.

Section 9.613 Amendments.

The Board of Commissioners may, from time to time amend, supplement, or change the provisions and requirements of this Chapter. Any such amendment shall be by ordinance of the Board of Commissioners.

Section 9.614 Unlawful to own unsafe buildings and structures

- (A) It shall be unlawful for any firm, person or corporation to own a building or a structure situated in the jurisdiction of the Town of Youngsville which is in such a defective or hazardous condition that it is unsafe and especially dangerous to life. The Board of Commissioners has determined that unsafe and especially dangerous buildings and structures are detrimental to the health, safety and welfare of the citizens of Youngsville, that such unsafe and especially dangerous buildings and structures shall be condemned, and that the owners of such unsafe and especially dangerous buildings and structures shall immediately remedy the unsafe, dangerous, hazardous or unlawful conditions or demolish such buildings or structures.
- (B) A building or structure shall be found to be especially dangerous to life and held unsafe by the Inspector if the Inspector finds that any one (1) of the following conditions exists in such building or structure:
 - (1) Interior walls or vertical studs which seriously list, lean or buckle to an extent as to render the building unsafe.
 - (2) 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.

(3) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(4) Such damage by fire, wind or other causes as to render the building unsafe.

(5) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people of the jurisdiction.

(6) Inadequate facilities for egress in case of fire or panic.

(7) Defects significantly increasing the hazards of fire, accident or other calamities.

(8) 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 jurisdiction.

(9) Lack of proper electrical, heating or plumbing facilities required by this Chapter which constitutes a health or a definite safety hazard.

(10) For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sanitary sewer or other approved sewage disposal system. For the purposes of this standard, a building 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.

(11) Any violation of the State Fire Prevention Code which constitutes a condition which is unsafe and especially dangerous to life.

(12) Any abandoned non-residential building or structure which is found to be a health or safety hazard by the Inspector 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 facilities.

(C) In addition to conditions 1-12 enumerated in (B) above, any one of which renders a building or structure unsafe, the Inspector shall determine that a non-residential building or structure is unsafe if he finds that a building or structure fails to fully comply with any five (5) or more of the following enumerated standards of building and premises fitness. Full compliance with a standard means that if any part of the stated standard is not complied with by a particular building and premises, then that building and premises has failed to fully comply with the enumerated standard.

GENERAL

(1) Buildings and premises shall be kept clear of accumulations of garbage, trash, or rubbish which create health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way.

(2) Flammable, combustible, explosive or other dangerous or hazardous materials shall be stored in a manner approved for such materials and consistent with the State Fire Prevention Code.

- (3) Buildings and premises shall be kept free of loose and insufficiently anchored overhanging objects which constitute a danger of falling on persons or property.
- (4) The premises shall be kept free of insufficiently protected holes, excavations, breaks, projections, obstructions and other such dangerous impediments on and around fences, walls, walks, driveways, parking lots and other areas which are accessible to and generally used by persons on the premises.
- (5) Building and premise surfaces shall be kept clear of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration.
- (6) Buildings and premises shall be kept free of objects and elements protruding from building walls, roof or premises which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects.

APPURTENANCES

- (7) All chimneys, flues and vent attachments thereto shall be maintained structurally sound. Chimneys, flues, gas vents or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases.
- (8) All exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free of defects.
- (9) All cornices shall be made structurally sound. Rotten or weakened portions shall be removed and/or replaced. All exposed wood shall be treated or painted.
- (10) Gutters and down spouts shall be replaced or repaired as necessary and shall be appropriately located and securely installed so as not to cause a hazard to pedestrians, vehicular traffic or property.
- (11) Attached and unattached accessory structures shall be maintained in a state of good repair.
- (12) Advertising sign structures, attached or freestanding, awnings, marquees and their supporting members and other similar attachments and structures shall be maintained in good repair and shall not cause a nuisance or safety hazard.

STRUCTURAL

- (13) 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.

- (14) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (15) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- (16) Interior and exterior steps, railings, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fall or collapse.
- (17) Where a wall of a building has become exposed as a result of demolition of an adjacent building said wall must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall unless such doors, windows, vents or other similar openings are to be maintained in accordance with the provisions of this Chapter. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked and weatherproofed if necessary to prevent deterioration of the wall.

PLUMBING, ELECTRICAL AND SUPPLIED FACILITIES

- (18) All plumbing fixtures and pipes shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.
- (19) All electrical 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 State Electric Code.
- (20) Every supplied facility, piece of equipment or utility which is required under this Chapter or the State Building Code for occupancy or use shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

EGRESS

- (21) Facilities for egress in case of fire or panic shall be adequate and shall remain clear for such purposes.
- (22) All windows must be tight-fitting and have sashes of proper size and design and free from rotten wood, broken joints, or broken or loose mullions.
- (23) All windows shall be maintained free of broken glass that could be dangerous to the public, invitees or third parties ordinarily expected to use the premises, from falling or shattering.
- (24) All openings originally designed as windows shall be maintained as windows, unless specifically approved by the Inspector for enclosure.

DRAINAGE

- (25) All yards and premises shall be properly graded and maintained so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

Section 9.615 Buildings and Premises Not Declared Unsafe But Which Are Not in Compliance With All Standards

In any case where the Inspector determines that a non-residential building or structure fails to fully comply with one or more but less than five of the standards of non-residential buildings or structures fitness set forth in 9.614(C), such building or structure shall not be found to be unsafe and shall not be subject to the procedures and remedies as provided for in this Chapter for unsafe buildings and premises. Each such failure of non-compliance, 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 9.629. In such case the Inspector shall notify the owner as provided for in Section 9.619.

Section 9.616 Investigation

Whenever it appears to the Inspector that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by the Board of Commissioners, the Inspector shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

Section 9.617 Complaint and Notice of Hearing

If the preliminary investigation discloses evidence of a violation of the minimum standards, the Inspector shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that a hearing will be held before the Inspector (or his or her designated agent) at a place within the county scheduled 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 answer 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 Inspector.

Section 9.618 Order to take corrective action; contents; issuance

If, after notice and hearing, the Inspector determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards as established by the Board of Commissioners, the Inspector shall state in writing the findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.

- (A) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the Board of Commissioners or to vacate and close the nonresidential building or structure for any use.

- (B) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the Board of Commissioners determines, after a public hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this ordinance.
- (C) An order **may not** require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

Section 9.619 Service of Complaints and Orders of Inspector

Complaints or orders issued by the Inspector pursuant to this ordinance shall be served upon persons either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. 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 refused, but the regular mail is not returned by the post office within 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, and the Inspector makes an affidavit to that effect, 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 once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

Section 9.620 Appeal of Order of Inspector; finality if not appealed

Any owner who has received an order under Section 9.618 may appeal from the order to the Town Board of Commissioners, acting in the capacity of the Appeals Board, by giving notice of appeal in writing to the Inspector and to the Town Clerk within ten (10) days following issuance of the order. In the absence of an appeal to the Appeals Board within the prescribed time, the order of the Inspector shall be final. The Appeals Board shall hear appeals within a reasonable time after receipt of the notice of appeal and it may modify and affirm or revoke the order. Any person aggrieved by a decision or order of the Inspector shall have the remedies provided in G.S. 160A-446.

Section 9.621 Failure to comply with Order of Inspector

- (A) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the Board of Commissioners may adopt an ordinance ordering the Inspector to proceed to effectuate the purpose of this section with respect to the

particular property or properties that the Inspector found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the Office of the Register of Deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the Inspector may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The Inspector may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

- (B) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the Board of Commissioners may adopt an ordinance ordering the Inspector to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Inspector found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the Board of Commissioners. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the Office of the Register of Deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the Inspector may cause the building or structure to be removed or demolished.

Section 9.622 Remedies; lien for cost of demolition and removal.

- (A) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the 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.
- (B) The amount of the costs is also a lien on any other real property of the owner located within the Town limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.
- (C) If the nonresidential building or structure is removed or demolished by the Inspector, he or she shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Board of Commissioners to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 9.623 Failure of occupant to comply with order to vacate

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the Inspector may file a civil action in the name of the Town to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. 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 Inspector produces a certified copy of an ordinance adopted by the Board of Commissioners pursuant to Section 9.621 of this Chapter to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure 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 under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the governing body has ordered the Inspector to proceed to exercise his duties under Section 9.621 of this Chapter to vacate and close or remove and demolish the nonresidential building or structure.

Section 9.624 Action by Board of Commissioners upon Abandonment of Intent to Repair

- (A) If the Board of Commissioners has adopted an ordinance or the Inspector has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of **two years** pursuant to the ordinance or order, the Board of Commissioners may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the Board of Commissioners may, after the expiration of the **two year** period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
- (1) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days; or
 - (2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then

current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

- (B) In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of **five years** before the Board of Commissioners may take action under this subsection. The 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. If the owner fails to comply with the ordinance, the Inspector shall effectuate the purpose of the ordinance.

Section 9.625 Demolition of Non-Residential Buildings by Owner

Where a non-residential building or structure is under the jurisdiction of this Chapter, the building may be demolished by the owner provided that the following requirements are met:

- (1) The owner shall obtain a demolition permit from the Building Inspections Department.
- (2) All sewer, gas, water and similar taps or connections shall be properly closed and disconnected.
- (3) All debris from the building shall be removed from the site. This requirement is for the removal of all debris that is above the street level of the building.
- (4) The lot shall be graded to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade.
- (5) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall, unless such doors, windows, vents, or other similar openings are to be maintained in accordance with the provisions of this Chapter. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked and weatherproofed if necessary to prevent deterioration of the wall.

Section 9.626 Inspections

- (A) For the purpose of carrying out the intent of this Chapter, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all non-residential buildings and premises, including abandoned structures. The owner or occupant of every non-residential building or the person in charge thereof shall give the Inspector free access to such building and its premises, at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a non-residential building shall give the owner thereof, or his agent or employee, access to any part of such building 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.

- (B) The Inspector may make periodic inspections for unsafe, unsanitary or otherwise hazardous and unlawful conditions in non-residential structures within the jurisdiction. In addition, he may make inspections when he has reason to believe that such conditions may exist in a particular structure or premises.

Section 9.627 Defects in buildings to be corrected.

When the Inspector finds any defects in a non-residential building, or finds that a building has not been constructed in accordance with applicable State and Town laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the building of its defects, hazardous conditions or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions or violations of law in the property he owns. Failure to do so shall constitute a violation of this Chapter. Each day any violation of this Chapter shall continue shall constitute a separate offense.

Section 9.628 Violations.

In addition to the conditions, acts or failure to act that constitute violations specified in this Chapter, it shall be unlawful for the owner of any building or structure 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. It shall be unlawful for the owner of any building, with respect to which an order has been issued pursuant to Section 9.618, 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 9.629 Procedure Is Alternative

Neither 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 abatement by summary action or otherwise, or to enforce this chapter by criminal process, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinance or laws. 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 as set forth in Chapter 12, Section 12.101, General Penalties; Enforcement of Ordinances; Continuing Violations, of the Code of Ordinances Town of Youngsville.”

PART TWO. That all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PART THREE. That this Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Youngville, North Carolina.

Adopted this 13th day of March, 2014.

CHAPTER 10

CABLE TELEVISION

**AN ORDINANCE PROVIDING FOR THE METHOD OF FRANCHISING THE
CONSTRUCTION, OPERATION AND MAINTENANCE OF A CABLE
TELEVISION SYSTEM IN THE TOWN OF YOUNGSVILLE,
STATE OF NORTH CAROLINA**

PREPARED BY EDWARD PASCHALL
Town Attorney 1981

Based on information received from
the N.C. League of Municipalities, the
Institute of Government and copies of ordinances
from other towns and cities.

BE IT ORDAINED by the Town Board of the Town of Youngsville, North Carolina as
follows:

10.101 Short Title: This ordinance shall be known as the Town of Youngsville Cable Television Ordinance.

10.102 Intent and Purpose.

For the better protection of the public interest, health, safety, welfare and convenience, the following rules and regulations are hereby adopted setting forth the conditions, requirements and limitations under which a person may construct, have constructed, operate and maintain cable television system and engage in the business of providing a cable television service in the Town of Youngsville.

10.103 Definitions

For the purpose of this ordinance, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense.

The word "shall" is always mandatory and not merely directory.

(a) CATV shall mean cable (community antenna) television.

(b) Cable (community antenna) television service shall mean the business of furnishing to the public for compensation, by means of a master antenna and cables, broadcast TV programs obtained off the air, together with such other program material and advertising as may be allowed by rules and regulations of the Federal Communication Commissioner from time to time.

(c) "Cable Television System" or "CATV System" shall mean a system of antennas, cables, wires, lines, towers, waveguides or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, transmitting, amplifying and distributing, audio, video and other forms of electronic or electrical signals, located in the Town. Said definition shall not include any such facility that serves or will serve only subscribers in one or more multiple unit dwelling under common ownership, control or management, or does not use Town rights-of-way.

(d) Franchise shall mean and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, or have constructed, operate and maintain a system in the Town for the purpose of providing cable television service to the citizens of Youngsville. Any such authorization, in whatever terms granted, shall not include any license or permit authorization required for the privilege of transacting and carrying on a business within the Town in accordance with Privilege License Ordinance adopted annually by the Town Board of Youngsville.

(e) Grantee shall mean the person to whom a franchise is granted by the Town Board under this ordinance, and the lawful successor, transferee or assignee of said person.

(f) Gross annual receipts shall mean any and all compensation and other consideration in any form whatever and any contributing grant or subsidy received directly or indirectly by a grantee from subscribers or users in payment for any and all cable services in the community (including all forms of consideration, such as initial lump sum payments).

(g) Property of grantee shall mean all property owned and installed by a grantee in the conduct of a CATV business in the Town under the authority of a franchise granted pursuant to this ordinance.

(h) Street shall mean the surface of and the space above and below any public street, right-of-way, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, existing as such within the franchise area.

(i) Subscriber shall mean any person or entity receiving for any purpose the CATV service of a grantee.

(j) Person shall mean any person, firm, partnership, association, corporation or organization of any kind.

10.104 Franchise required; application.

(a) It shall be unlawful for any person to engage or otherwise participate in the construction, operation or maintenance of a community antenna television system in the Town unless such person or the person for whom the work is being done shall have first obtained a franchise from the Town Board. It shall also be unlawful for any person to engage in the business of providing a community antenna television service in the Town unless such person shall have first obtained a franchise from the Town Board.

(b) A person seeking issuance of a franchise hereunder shall file a written application, in duplicate, with the Town Clerk. The application shall contain the following information:

(1) The name and address of the applicant. If the applicant is a partnership, the name and address of each partner. If the applicant is a corporation, the application shall also state the names and addresses of its directors, officers, parent and subsidiary companies and of stockholders owning or controlling as much as three percent (3%) of the outstanding stock, and shall include a certified copy of the articles of incorporation.

(2) A statement showing the applicant's experience in establishing a system and in providing service.

(3) A certified financial statement prepared by a certified public account, or person otherwise satisfactory to the Town Board, showing applicant's financial status and its financial ability to complete the construction and installation of the proposed system and to provide the proposed service. In connection therewith, information with respect to financial projections, including nature and sources of capital or equity financing, shall be submitted along with the application.

(4) A statement and description of the system, prepared by or approved by a licensed professional engineer in the electronics field, proposed to be constructed, installed, maintained or operated by the applicant; the manner in which applicant proposes to construct, install, maintain

and operate the same; and particularly the extent and manner in which existing or future poles or other facilities of other public utilities will be used for such system.

(5) A copy of any arrangement, agreement or contract, if existing, between the applicant and any public utility providing for the use of activities of such public utility, such as poles, lines, cables or conduits.

(6) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, with respect to the ownership, control or transfer of the proposed franchise or the proposed CATV system and service. If a franchise is granted to a person posing as a front or as the representative of another person and such information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever.

(7) A statement or schedule of proposed rates and charges to subscribers for installation and services.

(8) Any additional information which the Town Board, at any time, may deem reasonably necessary to determine whether the requested franchise should be granted.

(c) Upon consideration of any such application, the Town Board shall determine the applicant's qualifications to construct, operate, and maintain a CATV system and to provide a CATV service in accordance with the provisions of this ordinance. If the Town Board determines that the applicant is not so qualified, it may refuse to grant the requested franchise. If the Town Board determines that the applicant is so qualified, it may, by ordinance, grant a franchise to such applicant, to be effective as herein provided. Provided, however, no provision of this ordinance may be deemed or construed as to require the granting of a franchise when the Town Board determined that to do so would not be in the public interest. Any franchise granted shall include the following condition:

"The CATV system and service herein franchised shall be used and operate solely and exclusively for the purpose expressly authorized by ordinance of the Town of Youngsville and no other purpose whatsoever."

10.105 Acceptance; Indemnification; Effective Date.

(a) Within twenty-five (25) days after the Town Board has taken final action to approve the granting of a franchise, the grantee shall file a written acceptance of the conditions required for the franchise, acknowledged before a notary public, with the Town Clerk. Such acceptance shall acknowledge that the grantee agrees to be bound by and to comply with the provisions of this ordinance and the franchise and shall be in such form and content as to be satisfactory to and approved by the Town Attorney.

(b) Concurrently with the filing of the written acceptance, the grantee shall file with the Town Clerk the bond and insurance policies required by this ordinance.

10.106 Duration of franchise; termination; transfer.

(a) The franchise shall be nonexclusive, shall be for a term as specified in the franchise not to exceed twenty (20) years.

(b) (1) Except as herein provided, no transfer or control of the CATV system shall take place, whether by forced or voluntary sale, lease, mortgage, assignment, encumbrance or any other form of disposition, without prior notice to and approval by the Town Board. The notice shall include full identifying particulars of the proposed transaction, and the Town Board shall either approve or disapprove said transfer by resolution, within sixty (60) days of the receipt of the notice.

(b) (2) The consent of approval of the Town Board to any assignment, lease, transfer, sub-lease, or mortgage of the grantee shall not constitute a waiver or release of the rights of the Town in and to the streets.

(b) (3) For the purpose of this section the term "control" is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

(b) (4) A rebuttal presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of 10 percent of the voting shares of any corporate grantee.

(b) (5) In the absence of extraordinary circumstances, the Town Board will not approve any transfer or assignment of the grantee before completion of initial construction of the energized cable.

(b) (6) Notwithstanding anything to the contrary herein, franchise may hypothecate or pledge its interest in this franchise for the purpose of obtaining financing, the proceeds of which shall be utilized in the construction maintenance and operation of a cable television system authorized under the terms of this ordinance. Any change in ownership or control of the system resulting from such pledge or hypothecation shall not become absolute without:

(1) the approval of the Town.

(2) any new grantee filing with the Town its written acceptance of this ordinance, the franchise and all the conditions thereto. Such acceptance shall be filed within sixty (60) days following the date of such change.

(c) The Town Board may terminate the franchise prior to the date of expiration upon a finding, made after thirty (30) days' notice of any proposed termination and public hearing, that:

(1) The grantee has failed to comply in some material respect with any of the provisions of this ordinance, or has, by any act or omission, violated in some material respect any term or condition of any franchise or permit issued hereunder; or

(2) The grantee has made a material, false statement in the application for the franchise, knowing it to be false; or

(3) The grantee, contrary to the best interest of public convenience and welfare, is not providing subscribers with regular, adequate and proper service.

(d) In the event that the use of any tangible part of the CATV system is discontinued for any reason for a continuous period of 90 days, or the franchise has been terminated, canceled or has expired, the grantee shall promptly remove from the streets or public places all such property of the system, other than that which the Town Board may permit to be abandoned in place, and as directed by the Town Board shall either restore the street or pay the Town for restoring the street or other area from which such property has been removed to a condition for public use as good as the abutting portions thereof. Any property remaining in place sixty (60) days after the termination or expirations of the franchise shall be considered permanently abandoned.

10.107 Authority granted by franchise.

(a) The grantee of any franchise issued pursuant to the provisions of this ordinance shall be authorized, subject to approval of plans by the Town Board to construct, or have constructed, operate and maintain a CATV system and to engage in the business of providing a CATV service in the Town, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, over, on, under, upon, across and along any public street, such wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property, excepting poles, as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from

other persons, including but not limited to any public utility or other grantee franchised or permitted to do business in the Town.

(b) (1) The grantee may initially charge subscribers and users of the CATV system for services up to the amounts specified in its schedule of rates and charges as proposed in its franchise application and approved by the Town Board. Such maximum rates shall be in effect for a minimum period of two years from the date of completion of installation of the CATV systems capable of effectively serving no less than 60 percent (60%) of the customers proposed in the approved initial plans.

(b) (2) The grantee may establish rates for service from time to time thereafter by filing with the Town Clerk a schedule of rates thirty (3) days prior to their implementation.

(b) (3) At any time after a minimum period, described in Section 7 (b) (1), the Town Board may determine whether it will assume rate modification authority, the rates may be modified by grantee as specified in Section 7(b) (2). If the Town Board assumes rate modification authority, then for the term designated rates shall be subject to modification only by the Town Board and in accordance with the following procedures:

(I) The grantee may petition the Town Board for a change in rates by filing a revised rate schedule including its justification(s) for said proposed new schedule.

(ii) Within ten (10) days of notification by the Town Board of the place and time established for a hearing on said petition, the grantee shall notify its subscribers of the hearing on said petition, the grantee shall notify its subscribers of the hearing by announcement on the three major network channels of its system, between the hours of 7:00 and 9:00 p.m., for five (5) consecutive days. Additionally, hearings shall be announced in newspaper of general circulation at least five (5) days (not including the day of publication or the day of the hearing) before the date of the hearing and at the expense of grantee. Following all proper notice, but in no event later than ninety (90) days from the date of said petition, the Town Board shall hold an appropriate public hearing to consider the proposed new rates, at which hearing all parties desiring to be heard, including the grantee, shall be heard on any matters relating to performance under this franchise, the grantee's services, and the proposed new rates.

(iii) Within ninety (90) days after said hearing, the Town Board shall render a written decision on the grantee's petition, either accepting, rejecting, or modifying the same and reciting the basis of its decision.

(iv) If the Town Board fails to act within 180 days of the grantee's petition pursuant to paragraph (I) above, the grantee shall thereafter be entitled to put its proposed new rates into effect on a provisional basis, provided that it shall keep a full and accurate accounting of all income resulting from said provisional rates and shall be obliged for a period of 180 days thereafter to refund the amount by which said provisional rates exceed the rates ultimately established by the Town Board. Upon request by the Town Board, the grantee shall provide a bond or other reasonable surety to ensure that possible refunds due under this subsection shall be promptly made, the bond or surety shall be in an amount not to exceed the difference between the amount of revenues generated in 180 days at the previously existing rates and the amount of revenues expected to be generated in 180 days at the provisional rates.

(b) (4) The criteria for the Town Board's decision in such matters shall be the establishment of rates which are "fair and reasonable" to both the grantee and its subscribers and shall be generally defined as the minimum rates necessary to meet all applicable costs of service, including fair return on all invested capital, all assuming efficient and economical management.

(b) (5) In order for the Town Board to determine whether proposed rate changes conform with the criteria established Section 7(b) (4), the grantee's petition for a rate increase shall include the following financial reports, which shall reflect the operations of the Youngsville system only:

1. Balance Sheet;
2. Income Statement;
3. Statement of Sources and Applications of Funds;
4. Detailed Supporting Schedules of Expenses, Income, Assets and other items as may be required; and
5. Statement of Current and Projected Subscribers and Penetration.

The grantee's accounting records applicable to the Youngsville system shall be available for inspection by the Town at all reasonable times. The Town shall have access to records of financial transactions for the purpose of verifying burden rates or other indirect costs prorated to the Town of Youngsville operation. The documents listed above shall include sufficient detail and/or footnotes as may be necessary to provide the Town with the information needed to make accurate determinations as to the financial condition of the system. All financial statements shall be certified as accurate by the chief financial officer of grantee.

(b) (6) Any disagreement between the Town and the grantee concerning interpretations and calculations of the financial and statistical information provided by the grantee may be submitted to a court of competent jurisdiction when permitted by law.

(c) The grantee shall not engage in the sale, service, repair, rental or lease of televisions receivers, radio receivers, parts or accessories nor shall any employee or stockholder hold any interest in any such business venture in Franklin County. Grantee shall not require or attempt to influence its subscribers to deal with any particular person in regard to the above mentioned services.

(d) Construction and maintenance of the CATV system, including house connection, shall be in accordance with the provisions of:

1. The National Electrical Safety Code of the Institute of Electrical and Electronic Engineers;
2. The National Electronic Code of the National Fire Protection Association; and
3. Local utility system's code of pole line construction.

10.108 Conditions to use of streets.

(a) The poles used for distribution system shall be those erected and maintained by the Town, the power company, the telephone company, or either, whenever agreement can be reached with the owners of such poles. Any poles, wires, cables, conduits or other properties to be realigned or reset to permit their use for purposes of grantee under an agreement with the owner thereof shall be constructed or installed only at such locations and depths and in such manner as shall be approved by the owner and the Town Board. They shall be located so as to cause minimum interference with the proper use of streets and to cause minimum interferences with the rights or reasonable convenience of the general public and of property owners who adjoin such streets.

(b) The installation of the facilities, including service drops to subscribers, shall be made underground in areas where facilities of both the telephone company or the power company are underground or hereafter may be placed underground. In addition to the foregoing, installation of the facilities shall be made underground when required by Town ordinances or polices.

(c) The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the Town by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, or any other type of structures or

improvements by the Town, and the Town shall not be liable for any disturbance of the grantee's installations resulting thereafter. The grantee shall carry out the instructions and directions of the Town Board whenever it is necessary to raise or remove any of the grantee's wires or cables temporarily for the purpose of moving or removing buildings or structures on the public streets of the Town, and shall perform such tree trimming or other maintenance work as shall be required or as shall be directed by the Town Board, all at the grantee's expense.

(d) Whenever a grantee takes up or disturbs any pavement, sidewalk or other improvement in any street, the same shall be replaced and the surface restored in as good condition as before entry in accordance with ordinances, regulations, technical standards and fee schedules of the Town as administered the Town. Any opening or obstruction in the streets shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the bounds of which shall be clearly designed by warning lights of approved types.

10.109 Permits, installation and service.

(a) Within thirty (30) days after the effective date of the franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements.

(b) Within ninety (90) days after obtaining all necessary permits, licenses and authorizations, grantee shall commence construction and installation of the CATV system.

(c) Within one year after obtaining all necessary permits and authorization, grantee shall proceed to render to subscribers in at least forty (40) percent of the franchise area, and the completion of the system shall be pursued with reasonable diligence thereafter with extension of service to the remaining franchise area within the next succeeding year.

(d) Failure on the part of the grantee to commence and diligently pursue each of the following requirements and to complete each of the matters set forth herein, shall be grounds for termination of such franchise, under and pursuant to the terms of Section 6 hereof; provided, however, the Town Board may extend the time for the commencement and completion of construction and installation for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond its control.

(e) The grantee shall file a map with the Town at the close of each franchise year, showing the areas and locations of the Town being served by the CATV system and the location and identification of component parts of the system.

10.110 Operational requirements.

(a) The grantee shall install and maintain a CATV system which shall be in accordance with the highest and best accepted standards of the industry to the effect that subscribers shall receive the highest possible service. In addition, the grantee shall comply with all requirements of duly constituted regulatory agencies having jurisdiction over the operator of CATV systems.

(b) The grantee must obtain individual permits for street openings, must have the installation or construction plans approved prior to construction, must secure all necessary permits at its expense and must pay all fees charged for closing pavement cuts.

(c) When any portion of the CATV system is to be installed on public utility poles and facilities, a certification that agreements for such, joint use have been entered shall be filed with the Town.

(d) The grantee shall maintain a local office either within the Town limits of Youngsville or at a location approved by the Town Board for the purposes of handling subscriber complaints and providing prompt maintenance service. The local office shall be open during all regular business hours, and have a publicly listed telephone which shall be so operated that complaints and requests for repairs or adjustments may be received on a twenty-four (24) hours basis. The

grantee shall establish procedures for receiving, acting upon and resolving subscriber complaints to the satisfaction of the Town Board which shall include but not be limited to maximum response time to service complaint of twenty-four (24) hours. The grantee shall furnish a notice of such procedures to each subscriber at the time of initial subscription to the system.

10.111 Remuneration to Town.

Within sixty (60) days after the close of its first fiscal year after acceptance of a franchise, and each succeeding fiscal year thereafter during the life of the franchise, the grantee shall pay to the Town for the privilege of construction, operating and maintaining the CATV system as defined in this ordinance during the preceding fiscal year a percentage, as defined in this ordinance and determined annually by the Town Board, of grantees, gross annual receipts, which percentage shall not be less than 3 percent or more than the percentage of the annual franchise tax levied under S.S. 105-116(c) on electric light and power companies.

Within forty-five (45) days after the expiration of the grantee's fiscal year, the grantee shall file with the Town a certified financial statement prepared by a certified public account, or other person satisfactory to the Town Board, showing in detail the gross annual receipts, as defined herein, of grantee during such fiscal year. The payment of this fee is in addition to any ad valorem taxes which the Town may levy on the grantee's real or personal property. At any time during the three (3) fiscal years following the payment of the annual fee, the Town shall have the right to inspect the grantee's records showing the gross annual receipts from which these payments are computed and the right of audit and re-computation of any and all amounts under this article. Acceptance of payments hereunder shall not be construed as a release or of accord and satisfaction of any claim the Town may have for further or additional sums payable under this ordinance or for the performance of any other obligations hereunder. In the event of holding over after expiration or other termination of any franchise granted hereunder, without the consent of the Town, the grantee shall pay to the Town reasonable compensation and damages, of not less than one hundred percent (100%) of its total gross profits during said period.

10.112 Rights reserved to Town.

(a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, any right to the Town to acquire the property of the grantee, either by purchase or through the exercise of eminent domain.

(b) The Town reserves the right to amend any section or part of this ordinance

(c) At all reasonable times, the grantee shall permit any duly authorized representatives of the Town:

(1) To examine any and all financial records maintained by or under the control of the grantee relating to all revenue obtained by it from its operations under the franchise;

(2) To inspect and obtain copies of any or all maps or other diagrams maintained by or under the control of the grantee showing the location and the layout of the various components of the CATV system operated by it under its permit;

(3) To inspect any and all installations owned, maintained, or used by the grantee in its operations under its franchise including all towers, cables and other components of the grantee's CATV system.

(d) The grantee shall indemnify and save harmless the Town, its officers and employees, from and against any and all claims, demands, actions, suits, and proceedings by others, and against all liability to others, arising out of the exercise or enjoyment of its franchise, including but not limited to any liability for damages by reason of or arising out of any failure of the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered

by the grantee's CATV system, and against any loss, cost, expense and damages resulting thereafter, including reasonable attorney's fees.

(3) Concurrently with the filing of the written acceptance as required in Section 5, the grantee shall file with the Town Clerk, and at all times thereafter maintain in full force and effect for the term of such franchise or any renewal thereof, a good and sufficient liability insurance policy or policies, providing a minimum three hundred thousand dollars (\$300,000.00) coverage for personal injuries to each person; five hundred thousand dollars (\$500,000.00) coverage for all personal injuries in each accident; and five hundred thousand dollars (\$500,000.00) coverage for all property damage in each accident. The policy or policies shall name the Town as an additional insured and shall be for the purpose of insuring the Town against any damages to it and any and all legal liability, court costs, claim or demand for personal injury, death or property damage arising out of the operations of the grantee under this ordinance or its franchise. Any coverage of the grantee in addition to the above minimum limits shall also name the Town as an additional insured and/or beneficiary.

(f) Faithful performance bond. The grantee shall, concurrently with the effective date of the franchise ordinance, post with the Town and at all times thereafter maintain in full force and effect for the term of the franchise or any renewal thereof, at grantee's sole cost and expense, a corporate surety bond issued by a responsible insurance company licensed to do business in North Carolina and approved by the Town in the amount of one hundred thousand dollars (\$100,000.00), renewable annually, and conditioned upon the faithful performance of the grantee of all the provisions of the franchise agreement and this ordinance, and upon the further condition that in the event grantee shall fail to comply with any one or more of the provisions of the franchise agreement or this ordinance, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the Town as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed hereby plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond, said condition to be a continuing obligation for the duration of the franchise and any removal thereof and thereafter until the grantee has liquidated all of its obligations arising out of the acceptance of this franchise or renewal by the grantee or from the exercise of any privileges or right herein granted or the performance of any covenants or obligations imposed hereby. The bond shall provided that at least thirty (30) days prior written notice of intention not to renew, cancellation or material change, be given the Town by filing the same with the Town Clerk.

10.113 Franchise area and extension of service.

(a) Unless otherwise limited by the franchise ordinance, the franchise area shall include the present corporate limits of the Town of Youngsville and any area henceforth added thereto during the term of the franchise of any extension thereof, including territory annexed pursuant to "satellite" annexation authority. Neither the franchise ordinance nor this ordinance shall affect the rights of any other cable television grantor holding a governmental franchise in an annexed area nor does the Town guarantee that no such franchise operators shall exist in such annexed area.

(b) Subject to Section 9 (c) the grantee shall make cable television service available to all residents of the franchise area who apply therefore and are willing to pay the various service rates and installation and/or reconnecting charges established by the grantee pursuant to the terms of the ordinance, the grantee's application and franchise ordinance.

10.114 Expense reimbursement to Town.

(a) The grantee shall pay the Town a sum of money which will reimburse all costs and expenses incurred by it in connection with preparation of this ordinance, the franchise agreement, and the granting of a franchise, including, but not limited to, consultant fees, attorney's fees, publication fees, travel expenses and all other direct costs. Such payment shall be made within thirty (30) days after the Town furnished the grantee with a written statement of such expenses.

10.115 Violations

(a) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, acoustically, inductively or otherwise, with any part of a franchised CATV system within the Town for the purpose of taking or receiving television signals, radio signals, pictures, programs, or sound.

(b) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within the Town for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of said system.

(c) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, pictures, programs or sound.

10.116 All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

10.117 This ordinance shall be in full force and effect from the date of its adoption.

This ordinance was introduced and passed its first reading at a meeting of the Town Board held on the 7th day of December, 1981 was continued for further hearing until the meeting of the 4th day of January, 1982. At the meeting of the Town Board held on the 4th day of January, 1982, this ordinance passed its second reading, was adopted, and ordered published as by law provided.

Dated January 4, 1982. _____
Mayor

Attest:

Elizabeth P. Cheatham
Clerk

10.201 AN ORDINANCE TO PROVIDE FOR THE REGULATION OF BASIC SERVICE TIER RATES AND RELATED EQUIPMENT, INSTALLATION AND SERVICE CHARGES OF ANY CABLE TELEVISION SYSTEM OPERATING IN THE TOWN OF YOUNGSVILLE

WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, of a cable television system (hereinafter, "Basic Service Rates and Charges") shall be subject to regulation by a franchising authority in accordance with regulations prescribed by the Federal Communications Commission (hereinafter the "FCC"); and

WHEREAS, on April 1, 1993, the FCC prescribed such regulations in the Report and Order, In the Matter of Implementation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 922-266, FCC 93-177 (released May 3, 1993) (hereinafter the "FCC Rate Regulations"); and

WHEREAS, the Town of Youngsville (hereinafter, the "Town") is a franchising authority with the legal authority to adopt, and the personnel to administer regulations with respect to the Basic Service Rates and Charges of any cable television system operating in the Town, including, without limitations, the system currently being operated by CMA-Winston-Salem (hereinafter "The Company") pursuant to the Franchise Agreement; and

WHEREAS, the Town desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the Town and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise Agreement;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville that:

1. The Town will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the Town, notwithstanding any different or inconsistent provisions in the Franchise Agreement; and

2. In connection with such regulation, the Town will ensure a reasonable opportunity for consideration of the views of interested parties; and

3. The Mayor, or his designee, is authorized to execute on behalf of the Town and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges; and

4. This Ordinance shall be effective on the date of its adoption, this the 14th day of October, 1993.

James E. Underwood

James E. Underwood, Mayor Pro-Tem

ATTEST:

Deborah G. Pearce

Deborah G. Pearce, CMC, Town Clerk

CHAPTER 11

ZONING

AN ORDINANCE IMPLEMENTING THE STATUTORY VESTED RIGHT PROVISIONS OF G.S. 160A-385.1

WHEREAS, the North Carolina General Assembly ratified Senate Bill 766 on July 20, 1990 as Chapter 996 of the 1989 Session Laws (1990 Regular Session), effective October 1, 1991; and

WHEREAS, Chapter 996 has been codified as G.S. 160A-385.1; and

WHEREAS, G.S. 160A-385.1 provides for the establishment of a statutory "vested right" upon approval of a "site specific development plan"; and

WHEREAS, the Town of Youngsville is authorized and required to identify the specific types of zoning or land use approvals that constitute a "site specific development plan" within the meaning of G.S. 160A-385.1;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Youngsville, North Carolina:

11.101 Purpose

The purpose of this chapter is to implement the provisions of G.S. 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan.

11.102 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

Approval authority - The Youngsville Board of Commissioners designated by this chapter as being authorized to grant the specific approval that constitutes a site specific development plan.

Site specific development plan - A plan of land development to the Town for purposes of obtaining a Special Use Permit or Conditional Use Permit, for non-residential development not requiring a Special Use Permit or Conditional use Permit a site plan prepared in accordance with Section 702 of the Town of Youngsville Zoning Ordinance, or for single-family development a preliminary plat prepared in accordance with the Franklin County Subdivision Ordinance.

Zoning vested right - A right pursuant to G.S. 160A-385.1 to undertake and complete the development and use of property under the terms of conditions of an approved site specific development plan.

11.103 Establishment of a Zoning Vested Right.

(a) A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Youngsville Board of Commissioners of a site specific development plan, following notice and public hearing.

(b) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.

(c) Notwithstanding subsections (a) and (b), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(d) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(e) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the Town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.

(f) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

11.104 Approval Procedures and Approval Authority.

(a) Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.

(b) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the Town, that a zoning vested right is being sought.

(c) Notwithstanding the provisions of subsection (a), the application for a zoning vested right shall be considered and acted on by the Youngsville Town Board following notice and a public hearing in accordance with G.S. 160A-364.

(d) Each map, plat, site plan, or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until _____."

(e) Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(f) Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

11.105 Termination.

A zoning right that has been vested as provided in this chapter shall terminate:

(a) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

(b) with written consent of the affected landowner;

(c) upon findings by the Youngsville Board of Commissioners, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

(d) upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(e) upon findings by the Youngsville Board of Commissioners, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(f) upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

11.106 Voluntary Annexation.

A petition for annexation filed with the Town of Youngsville under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. 160A-385.1 or G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

11.107 Limitations.

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160A-385.1.

11.108 Repealer.

In the event that G.S. 160A-385.1 is repealed, this ordinance shall be deemed repealed and the provisions hereof no longer effective.

11.109 Effective Date.

This chapter shall be effective October 1, 1991 and shall only apply to site specific development plans approved on or after October 1, 1991.

CERTIFICATION THAT A STATUTORY ZONING VESTED RIGHT IS BEING SOUGHT PURSUANT TO G.S. 160A-385.1

As applicant for a (identify land use approval or permit that is being sought), I hereby certify that I am also seeking to acquire a vested right pursuant to G.S. 160A-385.1 and Chapter ___ of the Youngsville Town Code.

If the Youngsville Town Code provides that the approval authority for the type of land use approval or permit for which I am applying is a board, committee, or administrative official other than the Youngsville Board of Commissioners, I understand and agree that my application will be considered and acted on by the Youngsville Board of Commissioners, following notice and a public hearing.

Date

Applicant

11.201 A RESOLUTION ADOPTING A FEE SCHEDULE FOR AN APPLICATION FOR AN ADMINISTRATIVE REVIEW, VARIANCE, SPECIAL OR CONDITIONAL USE PERMIT, OR AMENDMENT TO THE ZONING ORDINANCE OR ZONING MAP AND A ZONING PERMIT FOR THE TOWN OF YOUNGSVILLE, NORTH CAROLINA

REVISED: ZONING AND PERMIT FEE SCHEDULE – ADOPTED FEBRUARY 8, 2007

1.	Accessory Structure on Residential Lot.	\$ 60.00
2.	Alteration or Addition to Residential Structure.	\$ 60.00
3.	Construction of Single Unit or Two Unit Residential Structure.	\$ 80.00
4.	Construction of Multi Unit Residential Structure.	\$ 100.00 + \$ 4.00 a Unit
5.	Accessory Structure of Business or Industrial Property.	\$ 60.00
6.	Alteration of Office, Commercial or Industrial Structure Without addition to the structure	
	Up to \$10,000 value.	\$ 60.00
	\$10,000 - \$50,000 value.	\$ 80.00
	\$50,000 and up.	\$100.00
7.	Construction of office or Commercial Structure.	\$100.00 + \$4.00 for every
	If outdoor display or storage is involved then the	1000 square feet of floor area
	Size of lot to be used for that purpose is to be included in determination or permit fee. This shall include car sales and mobile home sales.	
8.	Construction of warehouse.	\$100.00 + \$4.00 for every
	indoor-outdoor storage facility	1000 square feet of floor space
9.	Construction-addition of industrial.	\$100.00 + \$4.00 for every
	Structure to include outdoor	1000 square feet of floor space
10.	Sketch Plan Review – Site & Subdivision courtesy review.	\$ 25.00
	Subsequent review fees to be determined by Zoning Administrator	
11.	Administrative Review – Preliminary Plats.	\$100.00 + \$4.00 each lot
	(Major Subdivisions, PUC, Shopping Center, Industrial)	
12.	Administrative Review – Residential.	\$ 25.00
13.	Final Plats for Recording	
	Recombination/subdivisions.	\$ 30.00
	Minor Subdivisions.	\$ 40.00
	Major Subdivisions.	\$ 50.00

14.	Certificate of Zoning Compliance	\$ 10.00
15.	Board of Commissioners Special Use Permit	\$250.00
16.	Zoning Amendment	\$250.00

CHAPTER 12
PENALTIES

12.101 GENERAL PENALTIES; ENFORCEMENT OF ORDINANCES; CONTINUING VIOLATIONS

(A) Administration

- (1) Unless a greater amount is specified herein, an act constituting a violation of the provisions of this Code or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$50.00, which includes administrative fees. Each day any single violation continues shall be a separate violation. Unless expressly stated otherwise in a chapter or appendix, a violation of this Code shall not constitute a misdemeanor pursuant to N.C.G.S. 14-4. If the offender fails to correct this violation by the prescribed deadline after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.
- (2) In addition to the civil penalties set out above, any provision of any Town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.
- (3) In addition to the civil penalties set out above, any provision of any Town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the General Court of Justice. When a violation of such a provision occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.
- (4) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the applicable Town ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judicial order. Cancellation of an

order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

- (5) The provisions of any Town ordinance may be enforced by one, all, or a combination of the remedies authorized and prescribed by this Section.

(B) Procedures

- (1) This section sets forth the procedures to be followed in enforcing the provisions of the Code of Ordinances. They shall be utilized unless an individual ordinance codified herein has different procedures, in which event the procedures of the individual ordinance shall be followed.
- (2) Unless otherwise provided by a specific provision of any Town ordinance, upon determination of a violation of any section of a Town Ordinance, the enforcement official of the Town of Youngsville shall cause a warning citation to be issued to the violator. Such warning citation shall be issued either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County. Such warning citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.
- (3) An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation by filing with the enforcement official and with the Town Clerk, a notice of appeal which shall specify the grounds upon which the appeal is based. Except in any case where the ordinance violated, which is the subject of the warning citation, specifically grants to the Board of Commissioners, acting as the Appeals Board, other powers in considering appeals and such appeal is applied for, the Board of Commissioners in considering appeals of warning citations shall have power only in the manner of administrative review and interpretation where it is alleged that the enforcement official has made an error in the application of an ordinance, in the factual situation as it relates to the application of an ordinance or both.
- (4) Where the enforcement official of the Town determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the enforcement official may amend the warning citation to provide for additional time.
- (5) Upon failure of the violator to obey the warning citation, a civil citation may be issued by the enforcement official, either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to

appear before the Town Administrator of the Town of Youngsville, or designee, within fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

- (6) If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, the Town of Youngsville may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

PART THREE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SIX. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 13th day of March, 2014.

12.201 REVISED: At a regular meeting of the Youngsville Town Board of Commissioners held June 12, 2008 at the Town Hall, a motion was made by Commissioner W. Marvin Roberts, seconded by Commissioner Joseph Johnson, so carried to set new parking fines as follows:

Fire Lane	\$25.00
By Fire Hydrant	\$25.00
Handicapped	\$100.00
All others	\$10.00