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## ARTICLE I

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### AN ORDINANCE PROVIDING FOR THE REPAIR, CLOSING OR DEMOLITION OF ABANDONED STRUCTURES PURSUANT TO G. S. 160A-441

Be it ordained by the Board of Commissioners of the Town of East Bend:

#### Section 1. FINDING INTENT.

It is hereby found that there exists within the Town abandoned structures which the Board of Commissioners finds to be hazardous to the health, safety and welfare of the residents of the Town due to 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. Therefore, pursuant to the authority granted by G. S. 160A-441, it is the intent of this ordinance to provide for the repair, closing or demolition of any such abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing or demolition of dwellings unfit for human habitation.

#### Section 2. DUTIES OF THE CODE ENFORCEMENT OFFICER.

The Code Enforcement Officer is hereby designated as the Town officer to enforce the provisions of this ordinance. It shall be the duty of the Code Enforcement Officer:

- A. To locate abandoned structures within the Town and determine which structures are in violations of this ordinance;
- B. To take such action pursuant to this ordinance as may be necessary to provide for the repair, closing or demolition of such structures;
- C. To keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this ordinance; and
- D. To perform such other duties as may be prescribed herein or assigned to him by the Board of Commissioners.

#### Section 3. POWERS OF THE CODE ENFORCEMENT OFFICER.

The Code Enforcement Officer is authorized to exercise such powers as may be necessary to carry out the intent and provisions of this ordinance, including the following powers in addition to others herein granted:

- A. To investigate the condition of buildings within the Town in order to determine which structures are abandoned and in violation of this ordinance;
- B. To enter upon premises for the purpose of making

inspections;

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- C. To administer oaths and affirmations, examine witnesses, and receive evidence; and
- D. To designate such other officers, agents and employees of the Town as he deems necessary to carry out the provisions of this ordinance.

Section 4. STANDARDS FOR ENFORCEMENT.

A. Every abandoned structure within the Town shall be deemed in violation of this ordinance whenever such structure constitutes a hazard to the health, safety or welfare of the Town citizens as a result of:

- 1. the attraction of insects or rodents;
- 2. conditions creating a fire hazard;
- 3. dangerous conditions constituting a threat to children; or
- 4. frequent use by vagrants as living quarters in the absence of sanitary facilities.

B. In making the preliminary determination of whether or not an abandoned structure is in violation of this ordinance, the Code Enforcement Officer may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

- 1. Holes or cracks in the structure's floor, walls, ceilings or roof which might attract or admit rodents and insects, or become breeding places for rodents and insects;
- 2. The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;
- 3. Violations of the State Building Code, the State Electrical Code, or the Fire Prevention Code which constitute a fire hazard in such structure;
- 4. The collection of garbage, rubbish or combustible material which constitutes a fire hazard in such structure;
- 5. The use of such structure on nearby grounds or facilities by children as play area;
- 6. Violations of the State Building Code which might

result in danger to children using the structure or nearby grounds or facilities as a play area; and

7. Repeated use of such structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking or eating.

## Section 5. PROCEDURE FOR ENFORCEMENT.

A. PRELIMINARY INVESTIGATION; NOTICE; HEARING. Whenever a petition is filed with the Code Enforcement Officer by at least five (5) residents of the Town charging that any structure exists in violation of this ordinance or whenever it appears to the Code Enforcement Officer, upon inspection, that any structure exists in violation hereof, 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 in such structure a complaint stating the charges and containing a notice that a hearing will be held before the Code Enforcement Officer at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of said complaint. The owner or 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 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 evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Code Enforcement Officer.

B. PROCEDURE AFTER HEARING. After such notice and hearing, the Code Enforcement Officer shall state in writing his determination whether such structure violates this ordinance.

If the Code Enforcement Officer determines that the dwelling is in violation he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such structure or else remove or demolish the same within a specified period of time not to exceed ninety (90) days.

## C. FAILURE TO COMPLY WITH ORDER.

1. IN PERSONA REMEDY. If the owner of any structure shall fail to comply with an order of the Code Enforcement Officer within the time specified therein, the Code Enforcement Officer may submit to the Board of Commissioners 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 Code Enforcement Officer, as authorized by G.S 160A-446(g).

2. IN REM REMEDY. After failure of an owner of a structure to comply with an order of the Code Enforcement Officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph 1., the Code Enforcement Officer shall submit to the Board of Commissioners an ordinance ordering the Code Enforcement Officer, to cause such structure to be removed or demolished, as provided in the original order of the Code Enforcement Officer, and pending such removal or demolition, to placard such dwelling as provided by G.S. 1b0A-443.

D. PETITION TO SUPERIOR COURT BY OWNER. Any person aggrieved by an order issued by the Code Enforcement Officer shall have the right, within thirty (30) days after issuance of the order to petition the superior court for a temporary injunction restraining the Code Enforcement Officer pending a final disposition of the cause, as provided by G.S. 160A-446(f).

Section 6. METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Code Enforcement Officer shall be served upon persons either personally or by certified or registered mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence, the Code Enforcement Officer shall make an affidavit to that effect, and serving of such complaint or order upon such person may be made by publication in a newspaper having general circulation in the Town at least once, no later than the time at which personal service is required under Section 5 of this ordinance. 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.

Section 7. IN REM ACTION BY CODE ENFORCEMENT OFFICER PLACARD:

After failure of an owner of a structure to comply with an order of the Code Enforcement Officer issued pursuant to the Provisions of this ordinance, and upon adoption by the Board of Commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and section 5 C. of this ordinance, the Code Enforcement Officer shall proceed to cause such structure either to be repaired or else removed or demolished, as directed by the ordinance of the Board of Commissioners and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

Each such ordinance shall be recorded in the office of the Register of Deeds of Yadkin County, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-446(5).

Section 8. COST OF LIEN ON PREMISES.

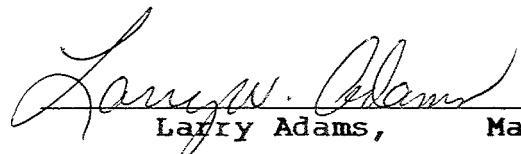
As provided by G.S. 160A-446(6), the amount of the cost of any removal or demolition caused to be made or done by the Code Enforcement Officer pursuant to this ordinance shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the cost collected as provided by Article 10, Chapter 160A of the General Statutes.

Section 9. 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, and the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Section 10.

This ordinance is effective upon its adoption. Adopted this 13 day of November 1989.

  
Larry Adams, Mayor

  
Judy Painter, Town Clerk

## ARTICLE II

### REMOVAL AND DISPOSITION OF ABANDONED MOTOR VEHICLES AND VEHICLES DECLARED TO BE PUBLIC NUISANCES

#### SECTION 1. ADMINISTRATION.

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

#### SECTION 2. DEFINITIONS.

For the purpose of this ordinance, certain words and terms are defined as follows:

- A. ABANDONED VEHICLE. An abandoned motor vehicle is one that is:
  - (1) left upon a street or highway in violation of a law or ordinance prohibiting parking;
  - (2) left on a public street or highway for longer than Seven (7) days;
  - (3) left on property owned or operated by the Town for longer than twenty-four (24) hours; or
  - (4) left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- B. AUTHORIZED OFFICIAL. The supervisor employee of the Police Department or the Inspectors Department, respectively, designated to authorize the removal of vehicles under the revisions of this ordinance.
- C. MOTOR VEHICLE OR VEHICLE. A machine designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.
- D. NUISANCE VEHICLE. A motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) a breeding ground or harbor for mosquitoes or other insects or a breeding ground or harbor for rats or other pests;
- (2) a point of heavy growth of weeds or other noxious vegetation over eight(8) inches in height;
- (3) a point of collection of pools or ponds of water;
- (4) a point of concentration of quantities of gasoline, oil and other flammable or explosive materials as evidenced by odor;
- (5) one which has areas of confinement which cannot be operated from the inside such as trunks, hoods, etc.;
- (6) so situated or located that there is a danger of its falling or turning over; or
- (7) any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

#### SECTION 3. ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

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.

Upon investigation, proper officials of the Town may determine that a vehicle is abandoned vehicle as defined above and order the vehicle removed.

#### SECTION 4. NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

It shall be unlawful for the registered owner 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.

Upon investigation, proper officials of the Inspection Department 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 5. REMOVAL OF ABANDONED OR NUISANCE VEHICLES; PRE-TOWING NOTICE REQUIREMENTS.

Except as set forth in sub-section 6 below a vehicle to be towed or otherwise removed because it has been abandoned, as defined herein, or declared to be a nuisance vehicle shall be towed only after notice to the owner or person entitled to possession of the vehicle. In such instances, 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), unless the vehicle is moved by the owner or legal possessor prior to this time.

With respect to abandoned vehicles on private property and nuisance vehicles, if the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned or a nuisance vehicle, such appeal shall be made to the Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Board of Commissioners, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

#### SECTION 6. EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

The requirement that notice be affixed to an abandoned or nuisance vehicle at least seven (7) days prior to removal may, as determined by the authorizing officer, 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.

For vehicles left on the public streets and highways, such circumstances include, and the Board of Commissioners hereby determines that immediate removal of such vehicles is warranted when they are:

- (1) obstructing traffic
- (2) parked at the designated places
- (3) parked in a no stopping or standing zone
- (4) parked in loading zones
- (5) parked in bus zones
- (6) parked in violation of temporary parking restrictions

With respect to abandoned or nuisance vehicles left on Town- owned property other than the streets and highways, and on private property, such vehicle may be removed without giving the minimum seven(7) days prior notice only in those circumstances where the authorizing official finds, and enters such findings in appropriate daily records, a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration but not limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

## SECTION 7. REMOVAL OF VEHICLES; POST-TOWING NOTICE REQUIREMENTS.

Any vehicle which has been determined to be an abandoned or a nuisance vehicle may 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, 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.

This notice shall, if feasible, be given by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth (1) through (5) above, shall, unless this notice is waived in writing by the vehicle owner or his agent, must also be mailed to the owner's last known address.

Whenever an abandoned or nuisance vehicle is removed, and such vehicle has no valid registration or registration plate, 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 notify him of the information as set forth in (1) through (5) above.

## SECTION 8. RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE

After the removal of an abandoned motor vehicle or vehicle declared to be a nuisance vehicle, the owner or another 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 a hearing must be filed in writing with the Yadkin County Magistrate designated by the Chief District Court judge to receive such hearing request. 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 General Statute 20-219.11, as amended.

## SECTION 9. REDEMPTION OF VEHICLE DURING PROCEEDINGS

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain the possession of the vehicle by paying the towing fee or posting a bond for double the amount of the towing fee to the private tow truck operator or towing business having custody of the removed vehicle.

## SECTION 10. SALE AND DISPOSITION OF UNCLAIMED VEHICLE

Any vehicle declared to be an abandoned or a nuisance vehicle under this ordinance which is not claimed by the owner or other party entitled to possession, will be disposed of by the private 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 11. CONDITIONS ON REMOVAL OF VEHICLE 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 declared a nuisance vehicle. The Town may require any person requesting the owner, occupant or lessee, except in those cases where a vehicle is declared a nuisance vehicle. The Town may require any person requesting the removal of an abandoned or nuisance vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage or sale, thereof.

## SECTION 12. PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

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

## SECTION 13. EXCEPTIONS

Nothing in this section shall apply to any vehicle in an enclosed building or any vehicle 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 to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

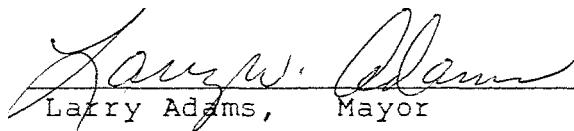
SECTION 14. UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE

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

SECTION 15.

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

Adopted this 9<sup>th</sup> day of March 1987

  
\_\_\_\_\_  
Larry Adams, Mayor

  
\_\_\_\_\_  
Judy Painter, Town Clerk

## ARTICLE III

### AN ORDINANCE REGULATING ANIMALS WITHIN THE TOWN OF EAST BEND

Whereas, the Town of East Bend is desirous of establishing an ordinance setting out regulations for the keeping of animals within the Town of East Bend;

And Whereas, this Ordinance is intended and written to supplement North Carolina law with respect to the care and regulation of animals. This Ordinance repeals and replaces previous Town Ordinances dated April 13, 1998 and October 12, 1987 as of the date of adoption.

Now, therefore, be it Ordained by the Commissioners of the Town of East Bend as follows:

#### Section 1: Definitions:

As used in this chapter, the following words shall have the meaning ascribed to them in this section unless the context otherwise indicates:

(1) "Dog" means both male and female dogs, more than four months old.

(2) "Cat" means both male and female cats, more than four months old.

(3) "Vicious dog" means a dog which has bitten one or more persons without provocation, or one in which a propensity to attack humans exists, and such propensity is known or ought to reasonably be known to the owner.

(4) "Owner" means any person or entity owning, keeping or harboring an animal, and for the purpose of this section, the head of a household shall be deemed to be the owner in respect to any animal or animals, owned kept or harbored by any person residing in said household or kept on said premises.

(5) "At large" means off the premises of the owner and not on a leash..

(6) "Domestic animal" means a pet; dogs, cats or other tame animals or birds which serve some purpose for its owner or others and generally depend on humans for food and shelter.

(7) "Adequate shelter" shall consist of a primary weatherproof shelter for the animal which has at least 3 sides, a roof and a floor. The enclosure shall be structurally sound, properly ventilated and must have sufficient room for the animal(s) to move about freely and lie comfortably without coming into contact with accumulated waste or debris.

"Adequate shelter" does not include animals primarily housed:

- Underneath outside steps, decks and stoops
- Inside vehicles
- Underneath vehicles
- Inside metal, plastic or cardboard boxes or barrels

(8) "Adequate food" shall mean a quantity of wholesome food offered in a clean container, suitable for the age and species of the animal and sufficient to maintain necessary weight.

Section 2: Damage to real or personal property by dogs, cats or other animals.

It shall be unlawful for any owner to permit any dog, cat or other animal to damage the real or personal property of any person, other than the owner, within the town limits of the Town of East Bend.

Damage to real or personal property shall include, but not be limited to:

- (A) Disturbing garbage or refuse stored or placed for collection;
- (B) Disturbing, destroying, or damaging any flowers, vegetable or fruit plants, shrubs, ornamental plants or landscaping;
- (C) Disturbing, destroying or damaging any newspaper, mail or delivery package;
- (D) Damaging property by animal feces;
- (E) Any other act which damages or causes loss to the real or personal property of a person other than the animal's owner.

Section 3: Keeping stray animals

It shall be unlawful for any person knowingly and intentionally to harbor, feed or keep possession of, by confinement or otherwise an animal which does not belong to him, unless he shall, within 48 hours from the time the animal comes into his possession, notify or deliver the animal to the county animal shelter or comply with the provisions of Section 5 herein and state law.

Section 4: Stray dogs at large

Any dog, not on his owner's property or on a leash, shall be subject to seizure by any law enforcement officer with jurisdiction within the Town of East Bend, including, but not limited to the Yadkin County Animal Control Officer or Dog Warden.

The owner of a dog which is found at large shall be in violation of this ordinance. A dog found at large shall be *prima facie* evidence that the owner has allowed the dog to run at large, and that the owner is negligent as to the public welfare.

Any stray dog so seized shall be delivered to the Yadkin County Animal Control Officer to be disposed of pursuant to the laws, rules and regulations of Aitken County and the State of North Carolina pertaining to the ownership and control of dogs.

Section 5: Dog Collars and tags

It shall be the responsibility of each dog owner to keep on his dog a collar, tag or harness which identifies the name and address or phone number of the owner and evidence of current anti-rabies vaccination. Any dog found running at large without such identification will be treated as a stray dog.

## Section 6: Barking Dogs

Any person keeping within the corporate limits of the Town one or more dogs which, by prolonged and habitual barking, howling or whining cause serious annoyance to neighborhood residents and interfere with the reasonable use and enjoyment of the premises occupied by such residents shall be guilty of maintaining a nuisance.

## Section 7: Dog bites; vicious dogs; duty of owner; penalty

Any dog which has ever bitten any person without provocation so as to break the skin, to the knowledge of the person owning, keeping, having charge of, sheltering, feeding, harboring, or taking care of such dog, or one in which a propensity to attack humans exists, and such propensity is known or ought to reasonably be known to the owner, must be kept in a secure enclosure, or be accompanied by a person who, by means of a leash has the dog firmly under control at all times. If this section is violated, in addition to any other punishment or penalty, the dog shall be taken by any law enforcement officer with jurisdiction, and shall be disposed of according to North Carolina Law.

## Section 8: Disposition of dangerous, fierce or vicious dogs.

If any dangerous, fierce or vicious dog or other animal running at large cannot be safely caught and impounded by any animal control officer or law enforcement officer with jurisdiction, such animal may be slain by any law enforcement officer with jurisdiction.

## Section 9: Teasing and molesting

It shall be unlawful for any person to willfully or maliciously kill torture, abuse, or neglect any domestic animal, except that reasonable force may be employed to drive away vicious, trespassing or destructive animals.

## Section 10: Responsibility of Owners

- (A) Owners of animals are responsible for the acts of their animals, and shall be responsible for keeping their animals free from becoming a public nuisance.
- (B)(1) It shall be unlawful for any owner to fail, refuse or neglect to provide for an animal in his care with adequate food, adequate potable water free from debris, or adequate shelter reasonably necessary for such animals' health and comfort, and veterinary care when needed to prevent suffering or a health hazard.
- (2) No tie-out device shall employ a restraint of less than 10 feet in length and shall not exceed 10 percent of the dog's body weight. Any tie out device or tether shall be attached to a dog by means of a properly fitting harness or buckle type nylon or leather collar (not choke type) of not less than one inch in width.
- (C) Owners shall be responsible not to create or maintain a nuisance by keeping a large number of animals in the town for more than a temporary period. The keeping of more than five dogs or five cats is declared to be a nuisance and shall be unlawful except as hereinafter provided.

(D) The following exceptions shall be allowed:

- (1) This provision shall not apply where animals are properly kept for breeding, sale, sporting purposes, boarding, or veterinary care.
- (2) Any person violating any part of this Section 10 shall be notified of the violation by the police department and shall have 48 hours from notification to abate the violation, except in cases of emergency.

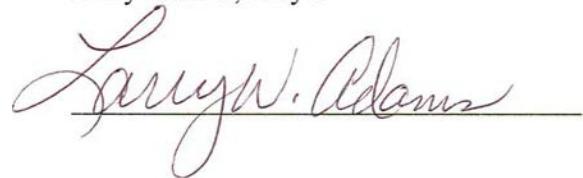
Section 11: Enforcement and penalty.

Violation of this Ordinance shall constitute a Class 1 misdemeanor. In addition, this Ordinance may be enforced by an appropriate equitable remedy. Owners in violation of this Ordinance shall be responsible for any reasonable costs to the Town, such as the cost of animal care or treatment, resulting from a violation of this Ordinance.

This Ordinance shall be in full force and effect after 10 days from the date of its adoption.

Adopted, this the 14th day of September, 2015.

Larry Adams, Mayor

A handwritten signature in black ink that reads "Larry W. Adams". The signature is fluid and cursive, with "Larry" on the top line and "W. Adams" on the bottom line.

A handwritten signature in black ink that reads "Vickie Matthews". The signature is cursive and appears to be a stylized form of the name.

Town Clerk

## ARTICLE IV

### AN ORDINANCE PROVIDING FOR THE ACCEPTANCE BY THE TOWN OF EASTBEND OF DEDICATED STREETS

WHEREAS, property owners within the jurisdiction of the Town of East Bend are desirous of dedicating to the Town of East Bend certain streets *in* subdivisions to the end that said streets shall be maintained by the Town of East Bend and become a part of the street system of the Town of East Bend; and,

WHEREAS, the Town of East Bend is desirous of establishing a policy and procedure to accept the dedication of such streets and to add such street to the street system of the Town of East Bend.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of the Town of East Bend, North Carolina, as follows:

1. That the Board of Commissioners of the Town of East Bend do hereby establish as a policy and a procedure for the Town of East Bend to be followed only after the enactment of this ordinance when the Town of East Bend takes into its Town Street system a new street to be used by the general public and maintained by the Town of East Bend.

2. Prior to the approval of a street the owner of the subdivision shall provide the Town Board a plat of said street showing all lots contiguous to said street.

3. Minimum design standards. The following design standards for streets shall be considered minimum requirements. In the event these standards conflict with those of the North Carolina Department of Transportation, Division of Highways, the more stringent requirements shall apply.

4. The property owner or owners shall be responsible for and shall develop the proposed street under the following specifications:

(a) The street right-of-way shall be a minimum of 40 feet in width, 20 feet each side of the center line. Under certain conditions, the Town may require a 60-foot right-of-way.

(b) The traveled portion of the street shall be a minimum of 20 feet in width, 10 feet on each side of the centerline. Under certain conditions, the Town may require a wider street.

(c) The street right-of-way must be graded to final grade with adequate drainage and shoulder area.

(d) The traveled portion of the Street shall be prepared in accordance with North Carolina Department of Transportation specifications.

4. In order to verify the number of tons of stone that each street needs in order to form a compacted base constructed to State of North Carolina standards, the following procedure must take place:

(a) The Town of East Bend is responsible for measuring the length of the street.

(b) The town clerk will give this information to a company providing this service and ask for a quote on the number of tons of gravel needed to put this street in compliance with the city code and with State of North Carolina standards. The width of the street is to be 20 feet wide and the gravel being compacted to a State of North Carolina standards.

(c) This information (the number of tons of gravel needed for the street) will be given to the developer.

(d) When the developer petitions the town to take over the street, a copy of the "haul bills" indicating the number of tons of gravel used on the street, must be turned over to the town clerk. The number of tons on the haul bill must equal the quote that the company providing the service gave the town clerk.

5. The diameter of the tile under the road must be a minimum of eighteen(18) inches, but must be of sufficient size to carry all water that may flow through it.

6. The width of the shoulder of the road must be no less than five (5) feet.

7. When the proposed street is prepared by the owner or owners as above set forth, the owner or owners shall tender to the Town a dedication for the entire right-of-way of the proposed street.

8. Upon tender of a dedication from the owner or owners, the Town shall inspect the proposed street and shall either accept or reject the street by formal Board resolution.

9. If the Board rejects a proposed street, the owner or owners shall be notified by the Board of the reason the proposed street was rejected and a list of requirements which must be satisfied in order for the street to be accepted will be given the owner or owners.

10. When the Board accepts a new street, the Town of East Bend shall thereafter own and maintain the street.

11. Any decision as to when and under what circumstances the Town shall pave or resurface any street in the Town, shall be in the discretion of the Town Board.

This ordinance shall be in full force and effect upon and after the date of its adoption, this 9th day of March, 1987.

Terry W. Adams  
\_\_\_\_\_  
Mayor

ATTEST:

Judy S Painter  
\_\_\_\_\_  
EAST BEND TOWN CLERK

## ARTICLE V

### AN ORDINANCE REGULATING THE USE OF FIREARMS WITHIN THE TOWN OF EAST BEND

Discharge of Firearms, etc., prohibited within city limits.

Other than in defense of person or property, or a law enforcement officer discharging his duties, it is unlawful for any person to fire, shoot, or discharge within the corporate limits of the city, any firearms or any cannon, gun, pistol, revolver, automatic pistol, semi-automatic pistol, rifle, shotgun, BB gun, air gun, pellet gun, spring operated or gas operated gun, or any instrument or device of any kind, character or description which throws, discharges, propels, or hurls bullets or missiles of any kind to any distance from such instrument by means of elastic force, air pressure, vacuum, or explosive force, except in a gun testing site or upon a rifle or pistol range, which site has been approved and certified as approved by the chief of police.

Violation of any section of this ordinance shall constitute a class I misdemeanor.

#### Notice and effective date.

This ordinance shall be in full force and effect from 30 days from the date of its adoption. A copy of this ordinance shall be published in a newspaper having general circulation in the town once a week for two (2) consecutive weeks within 30 days from the date of its adoption.

This the 13th day of March 2006



Mayor



Jennifer W. Casstevens  
Town Clerk

ARTICLE VI

Ordinance Regulating Riding Horses on Public Property

It shall be unlawful for any person to ride, lead or drive any horse, mule, donkey, pony, or like animal in or upon any public sidewalk or other pedestrian walkway within the corporate limits of the town. Any person violating this ordinance shall be subject to a civil penalty in the amount of \$10.00 per occurrence, which may be collected in the nature of a debt.

4-14-2016

Date

Archie B. Hicks, Jr.

Archie B. Hicks, Jr., Mayor

Vickie J. Matthews

Vickie J. Matthews, Town Clerk

## ARTICLE VII

### MINIMUM HOUSING CODE FOR THE TOWN OF EAST BEND

THE COMMISSIONERS OF THE TOWN OF EAST BEND DOTH ORDAIN;

That pursuant to North Carolina General Statutes Chapter 160A, Article 19, Part 6, Article 25 of Chapter 6 of the 1961 Edition of the code of the town of East Bend entitled "Minimum Housing Code" in its entirety be and the same is hereby amended to read as follows:

#### DIVISION 1. GENERALLY

##### 1-1 Preamble.

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

##### 1-2 Scope.

This code 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 the 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 building, structures or premises used as such.

The provision of this code shall apply to all existing housing and to all housing hereafter constructed within the town of East Bend. Portable, mobile or demountable buildings or structures, including trailers, when used or intended for use for housing within the town shall be subject to the applicable provisions of this code. This article establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this article.

1-3 DEFINITIONS.

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

(1) ALTER OR ALTERATION means any change or modification in construction or occupancy.

(2) APPROVED shall mean approved by Building Inspector.

(3) BASEMENT shall mean a portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

(4) BUILDING shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

(5) CELLAR shall mean a portion of a building located partly or wholly underground having an inadequate access to light air from windows located partly or wholly below level of the adjoining ground.

(6) DETERIORATED shall mean that a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all the minimum standards established by this ordinance, at a cost not in excess of sixty percent (60%) of its value, as determined by findings of the Inspector.

(7) DILAPIDATED shall mean that a dwelling is unfit for human habitation and cannot be repaired, altered, or improved to comply with all the minimum standards established by this ordinance at a cost not in excess of sixty percent (60%) of its value, as determined by findings of the Inspector.

(8) DWELLING shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants whether or not such building is occupied or vacant; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

(9) DWELLING UNITS shall mean 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 whether or not such unit is occupied or vacant.

(10) EXTERMINATION shall mean the control and elimination of insects, rodents, or other pests by eliminating their harboring places; by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by other recognized and

legal pest elimination methods approved by the Inspector.

(11) FAMILY means one or more persons living together, who are related by blood, marriage or adoption, and having common housekeeping facilities.

(12) FLOOR AREA shall mean the total area of all habitable rooms in a building or structure.

(13) GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(14) HABITABLE ROOM shall mean 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.

(15) INFESTATION shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such numbers as to constitute a menace to the health, safety, or welfare of the occupants or to the public.

(16) INSPECTOR shall mean a building inspector of the town or other person charged with the administration and enforcement of this ordinance or his duly authorized representative.

(17) MULTIPLE DWELLING shall mean any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home for residence of more than two (2) families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

(18) OCCUPANT shall mean any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

(19) OPENABLE AREA shall mean that a part of window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

(20) OPERATOR shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

(21) OWNER shall mean the holder of the title in fee simple and every mortgage or record.

(22) PARTIES IN INTEREST shall mean all individuals, associations and corporations who have interests or record in a dwelling or any who are in possession thereof; or

Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian or estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(23) PERSON shall mean and include any individual, firm, corporation, association or partnership.

(24) PLUMBING shall mean the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and public or private water--supply systems of any premises to their connection with any point of public disposal.

(25) PREMISES shall mean a lot, plot, or parcel of land including the buildings or structures thereon.

(26) PUBLIC AREA as used in this code, means an unoccupied open space adjoining a building and on the same property, that is permanently maintained accessible to the Fire Department and free of all encumbrance that might interfere with its use by the Fire Department.

(27) REQUIRED means required by some provision of this code.

(28) RESIDENTIAL OCCUPANCY shall mean buildings in which families or households live or in which sleeping accommodations are provided. Such buildings include, among others, the following: dwellings, multiple dwellings, and lodging houses, and all dormitories.

(29) ROOMING HOUSES shall mean any dwelling, or 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 members of the family of the owner or operator.

(30) ROOMING UNIT shall mean 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.

(31) RUBBISH shall mean combustible and non-combustible waste material except garbage, and the term shall include ashes, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust.

(32) STAIRWAY means one or more flights of stairs and the landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

(33) STORY shall mean that portion of a building included between the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

(34) STRUCTURE shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof."

(35) SUPPLIED shall mean paid for, furnished, or provided by, or under control of the owner of or operator.

(36) TEMPORARY HOUSING shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

(37) UNFIT FOR HUMAN HABITATION is defined by section 6-79, herein.

(38) VENTILATION means the process of supplying and removing air by natural or mechanical means to or from any space.

(39) LOT means an open unoccupied space on the same lot with a building extending along the entire length of a street, or rear, of interior lot line.

(40) MEANING OF CERTAIN WORDS--When the words "dwelling", "dwelling unit", "rooming unit", or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof".

## DIVISION 2. MINIMUM STANDARD FOR BASE EQUIPMENT FACILITIES.

No person shall occupy as owner--occupied or let sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling be permitted to exist which does not comply with the following requirements:

(1) SANITARY FACILITIES REQUIRED. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet, all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

(2) LOCATION OF SANITARY FACILITIES. All required sanitary facilities shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub, or shower, and lavatory in at least one bathroom shall be located in a room affording privacy to the user and such rooms shall have minimum floor space of thirty (30) square feet.

(3) HOT AND COLD WATER SUPPLY. Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a suitable water supply.

(4) HEATING FACILITIES.

A. Every dwelling unit shall have heating facilities which shall be installed in accordance with the appropriate building, gas, or electrical code and shall be capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit therein to a temperature of at least 68F at a distance three (3) feet above the floor during ordinary minimum winter conditions.

B. Where a gas or electric central heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents, whereby heating appliances may be connected so as to furnish a minimum temperature of 68F measured at a point three (3) feet above the floor during ordinary minimum winter conditions, and in safe and proper working order.

(5) COOKING AND HEATING EQUIPMENT. All cooking and heating equipment and facilities shall be installed in accordance with the appropriate building, gas, or electrical code and shall be maintained in a safe and good working condition.

(6) GARBAGE STORAGE OR DISPOSAL FACILITIES. Every dwelling unit or multi--family dwelling shall be supplied with an approved garbage disposal facility; which may be an adequate mechanical garbage disposal unit (mechanical sink or 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 garage can.

## 2-2 MINIMUM REQUIREMENTS FOR LIGHT AND VENTILATION

No person shall occupy as owner--occupant or let or sublet to another for occupancy any dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, and eating therein, nor shall any vacant dwelling be permitted to exist which does not comply with the following requirements:

### (1) HABITABLE ROOMS.

A. 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 eight (8) percent of the floor area of such room. Whenever the only window area of such is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total area of such room.

B. every habitable room shall have at least one window or skylight which can safely be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight type size as required or the room shall have other approved equivalent ventilation.

(2) BATHROOM. Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system.

(3) ELECTRIC LIGHTS AND OUTLETS REQUIRED. Every dwelling shall be adequately and safely wired for electric lights and convenience receptacles. Every habitable room and hallway shall have provision for adequate lighting and other necessary electrical service.

(4) LIGHTS IN PUBLIC HALLS AND STAIRWAYS. Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

## 2-3 MINIMUM REQUIREMENTS FOR ELECTRICAL SYSTEMS.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling be permitted to exist which does not comply with the following requirements:

A. All fixtures, receptacles, equipment, and wiring be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electrical power in accordance with the adopted electrical code of the State of North Carolina.

B. The minimum capacity of the service supply and the main disconnect switch shall be sufficient to adequately carry the total load required in accordance with the electrical code of the State of North Carolina.

#### 2-4 GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements:

(1) FOUNDATION. The building foundation walls, piers, or other elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

(2) EXTERIOR WALLS. The exterior walls shall be substantially weather tight, watertight, and shall be made impervious to the adverse effects of weather and be maintained in sound condition and good repair.

(3) ROOFS. Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

(4) MEANS OF EGRESS. Every dwelling unit shall have two safe, unobstructed means of egress with minimum ceiling height of seven (7) feet leading to a safe and open space at the ground level.

(5) STAIRS. Every inside and outside stair 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.

(6) PORCHES AND APPURTENANCES. Every outside 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.

(7) WINDOWS AND DOORS. Every window, exterior door and 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.

(8) WINDOWS TO BE GLAZED. Window panes or an approved substitute shall be maintained without cracks or holes which allow passage of air.

(9) WINDOW SASH. Window sash shall be properly fitted and weather tight within the window frame.

(10) HARDWARE. Every exterior door shall be provided with proper hardware and maintained in good condition.

(11) DOOR FRAMES. Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.

(12) SCREENS. Every door opening directly from a dwelling unit to outdoor space shall have screens and a self-closing device; and every window or other device with opening to outdoor space, used or intended to be used for ventilation, shall likewise have screens; tight fitting, free of holes, and not nailed to window frame or sash.

EXCEPTIONS. Dwellings containing central heating furnaces and adequate cooling equipment for mechanically ventilating the building year round are not required to have screens on doors or window openings.

(13) ACCESSORY STRUCTURES. Garages, storage buildings and other accessory structures shall be maintained and kept in good repair and sound structural condition.

(14) INTERIOR FLOORS, WALLS AND PARTITIONS. Every floor, wall, or partition 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.

(15) CEILINGS. Every interior 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.

(16) STRUCTURAL SUPPORTS. Every structural element of the dwelling unit shall be structurally sound and show no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.

(17) PROTECTIVE RAILINGS. Protective railings shall be required on any unenclosed structure over thirty (30) inches above adjacent finish grade or on any steps containing four (4) risers or more. Interior stairs and stairwells more than four (4) risers high shall have handrails located in accordance with requirements of the building code. Handrails or protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.

## 2-5 MINIMUM SPACE AND USE REQUIREMENTS.

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements:

(1) REQUIRED SPACE IN DWELLING UNIT. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor area per each additional occupant.

(2) REQUIRED SPACE IN SLEEPING ROOMS. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space of each additional occupant thereof.

(3) MINIMUM CEILING HEIGHT. At least one-half of the floor area of every habitable room, foyer, hall or corridor shall have a ceiling height of at least seven (7) feet and the floor area of that part of any room where the ceiling height is less than seven (7) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purposes of determining the maximum permissible occupancy thereof.

(4) OCCUPANCY OF DWELLING UNIT BELOW GRADE. No basement or cellar space shall be used as a habitable room or dwelling unit unless meeting all specifications for habitable rooms.

## 2-6 SANITATION REQUIREMENTS.

No persons shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements:

(1) SANITATION. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(2) CLEANLINESS. Every owner or occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies or controls or which is provided for his particular use.

(3) GARBAGE DISPOSAL. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage or garbage storage containers.

(4) EXTERMINATION. Every occupant of a single dwelling and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises.

(5) USE AND OPERATION OF SUPPLIED PLUMBING FIXTURES. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

## 2-7 ROOMING HOUSES.

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this code.

(1) LICENSE REQUIRED. No person shall operate a rooming house unless he holds a valid rooming house license.

### (2) WATER CLOSET, LAVATORY, AND BATH FACILITIES.

A. At least one flush water closet, lavatory basin, and bathtub or shower properly connected to a water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are to be shared.

B. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

(3) WATER HEATER REQUIRED. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(4) MINIMUM FLOOR AREA FOR SLEEPING PURPOSES. Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet for each occupant thereof.

(5) EXIT REQUIREMENT. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by all applicable building codes.

(6) SANITARY CONDITIONS. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

## 2-8 APPLICATION OF NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE.

The North Carolina Uniform Residential Building Code, 1968 edition and amendments, shall govern all repairs, alterations and/or additions to any existing structure where not specified in the sections 6-50, 6-51, 6-52, 6-53, and 6-54.

### DIVISION 3. HOUSING INSPECTOR GENERALLY.

#### 3-1 CREATION OF OFFICE.

The housing inspector shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

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

(2) OATHS, WITNESSES, ETC. To administer oaths, affirmations, and to examine witnesses and receive evidence.

(3) RIGHT OF ENTRY. To enter upon and within premises, dwellings and buildings 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.

(4) DELEGATION OF FUNCTIONS, ETC. To delegate any of his functions and powers under this article to such officers and agents as he may designate.

### 3.3 INSPECTIONS

The inspector is hereby authorized and directed to make inspections in compliance with a plan approved by the Board of Commissioners, to determine the condition of dwellings, dwelling units, rooming units and premises located within the Town in order that he may perform his duty of safeguarding the health and safety of the occupant of dwellings and of the general public. For the purpose of making such inspections, the inspector is hereby authorized to enter, examine, and survey at all reasonable time all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall give the inspector free access to such dwelling, dwelling unit, or rooming 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 article or with any lawful order issued pursuant to the provisions of this article.

### 3-4 ABATEMENT—HEARING ON CHARGES; FILING; PETITION AND CHARGES; INVESTIGATIONS; TIME AND CONDUCT OF HEARING.

Whenever a petition is filed with the building inspector by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the inspector (on his own motion) that any dwelling is unfit for human habitation, the Inspector may, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties having an interest in such dwelling, including lien holders and tenants, if any, as shown by the records of the Register of Deeds of Yadkin county, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the inspector (or his designated agent) at a place within the county in which the property is located therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of such complaint; that the owner and parties in interest shall be given a 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 rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

### 3-5 SERVICE OF ORDER, CONTENTS.

If, after such notice and hearing, the Inspector determines that the building under consideration is unfit for human habitation in accordance with the standards herein set forth, he shall state in writing his finding of fact in support of such determination, stating whether said building is deteriorated or dilapidated, and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration, or improvement of said building, bringing it up to the standards described herein, can be made at a cost less than sixty (60) percent of the present value of the building, the order shall require the owner, within a specified period of time, not exceeding ninety (90) days, to repair, alter, or improve such building so as to render it safe. Such order may also direct and require the owner to vacate and close the building until the repairs, alterations and improvements have been made and/or the unsafe and dangerous character of such building has been corrected.

(2) If the repair, alteration or improvement of said building, bringing it up to the standards described herein cannot be made at cost of less than sixty (60) percent of the present value of the building, the order shall require the owner, within a specified period of time, not to exceed ninety (90) days, to either repair, alter, or improve such building so as to bring it into compliance with the standards described herein, or to demolish and remove such building.

### 3-6 ENFORCEMENT

A. If the owner of a building found to be deteriorated fails to comply with an order to repair, or improve the building, unless an appeal is taken from such order in accordance with Section 5, the inspector may:

(1) Secure the issuance of a warrant charging such owner with a violation of the Standards of Fitness established by this code.

(2) Cause such building to be repaired, altered, or improved, and pending such repairs, alterations, or improvements, may order such building vacated and closed; and

(3) Cause to be posted on the main entrance of any building so closed, a placard with the following words: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANT OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

B. If the owner of a building found to be dilapidated fails to comply with an order to vacate and close, or fails to remove or demolish the building, unless an appeal is taken from such order in accordance with Section 5, the Inspector may:

(1) Secure the issuance of a warrant charging such owner with violation of the Standards of Fitness established by this code.

(2) Cause such building to be vacated and closed and removed or demolished; and

(3) Cause to be posted on the main entrance of any building so closed 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".

C. The Inspector shall not cause the repair, alteration, improvement, or demolition and removal of any building or perform any other duties set forth in paragraphs A. and B. of this section, until the Board of Commissioners shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of this code with respect to the particular property or properties which the Inspector shall have found to be unfit for human habitation or dangerous and which property or properties shall be recorded in the Office of the Register of Deeds of Yadkin County and shall be indexed in the name of the property owner in the grantor index.

D. The amount of the cost of such repairs, alterations, or improvements or vacating and closing, or demolition and removal by the Inspector shall be a lien against the real property upon which such cost was incurred; which lien shall be filed, have the same priority and be collected as provided by Article 10 of Chapter 160A of the North Carolina General Statutes. If the building is demolished and removed by the Inspector, he shall sell the materials of such building and shall credit the proceed of such sale against the cost of the demolition and removal and any balance remaining shall be deposited in the Superior Court by the Inspector, shall be secured in such manner as may be directed by such court, and entitled thereto by final decree of such court (in a Special Proceeding brought before the Clerk of Superior Court for said purpose).

**3-7 VIOLATIONS; FAILURE, NEGLECT OR REFUSAL TO REPAIR, ALTER, IMPROVE, VACATE AND CLOSE, REMOVE OR DEMOLISH; RENTING OF UNFIT DWELLING AFTER NOTICE; PENALTY**

A. It shall be unlawful for the owner of any building to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and demolish and remove the same upon order of the Inspector duly made and serve as herein provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

B. When the Inspector finds that a building is unfit for human habitation or dangerous within the meaning of this ordinance and has notified the owner to such effect and the time limit set by the Inspector for the correction of defects or vacating same has expired, no person shall receive rentals, offers for rent, or occupy such building unfit as a human habitation, and each day such offense continues shall

be deemed a separate offense. Any person violating these provisions shall be guilty of a misdemeanor, and upon conviction such offenders shall be punished by a fine of not more than fifty (50) dollars for each separate offense.

C. The violation of any provision of this code shall constitute a misdemeanor, as provided by North Carolina General Statute 14-4.

### 3-8 METHODS OF SERVICE.

A. Complaints or orders issued by an Inspector shall be served upon persons either personally or by registered or certified mail; but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence and the chief Inspector shall make an affidavit to that effect, then the serving of such complaint or order upon such person may be made by publishing the same once each week for three (3) successive weeks in a newspaper printed and published in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order.

B. Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice, or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person, firm, or corporation.

## DIVISION 4. SEPARABILITY AND UNSAFE BUILDINGS.

### 4-1 SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

### 4-2 RESIDENTIAL BUILDINGS UNFIT FOR HUMAN HABITATION

A. The Inspector shall determine that a resident building is unfit for human habitation if he finds that any of the following conditions exist in such building:

(1) Interior walls or vertical studs which seriously list, lean, or buckle to such extent as to render the building unsafe.

(2) Supporting members or members which show thirty-three percent (33%) or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which show fifty percent (50%) 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 in the town.

(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 resident of the town.

(9) Lack of proper electrical, heating or plumbing facilities required by this chapter which constitutes a health or a definite safety hazard.

#### 4-3 UNSAFE BUILDINGS

Unsafe buildings as defined in chapter 4 of the code of the town of East Bend shall be repaired, removed, renovated, or demolished as provided therein.

### SECTION 5. HOUSING APPEALS BOARD.

#### 5.1 ESTABLISHMENT OF HOUSING APPEALS BOARD.

The board hereby establishes a "HOUSING APPEALS BOARD" to which appeals may be taken from a decision or order of the Housing Inspector. This Housing Appeals Board shall consist of five (5) members who shall serve for three-year staggered terms. The Housing Appeals Board shall have the power to elect its own officers, fix the time and place for its meetings, adopt necessary rules of procedure, and to adopt other rules and regulations for the proper discharge of its duties. The Housing Appeals Board shall keep an accurate record of all of its proceedings, and all of its proceedings shall be open to the public.

## 5.2 APPEALS PROCEDURE.

An appeal from any decision or order of the Housing Inspector may be taken by any person aggrieved thereby or by any officer or Board of Commissioner of the Town. Any appeal from the Housing Inspector shall be taken within ten (10) days from the rendering of the decision or service of the order by filing with the Housing Inspector and with the Housing Appeals Board at the Town Hall, Town of East Bend, a notice of appeal which must 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 Housing Appeals 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 act, his decision shall remain in full force until modified or reversed. When any appeal is from a decision of the Housing Inspector's requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Housing Appeals Board, unless the Housing Inspector certifies to the Housing Appeals board, after the Notice of Appeal is filed with him, that because of acts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of this 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 (1) day's written notice to the Housing Inspector, by the Board, or by a Court of record upon petition made pursuant to provisions of this section.

The Housing Appeals Board shall affix a reasonable time for hearing appeals, shall give 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 in part, 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 (4) 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 when passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end 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 proceeding in the nature of certiorari instituted within fifteen (15) days of the decision of the Housing Appeals Board, but not otherwise.

Any person aggrieved by an order issued by the Housing Inspector or a decision rendered by the Board may petition the

Superior Court of Yadkin County for an injunction restraining the Housing Inspector from carrying out the order of 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 thirty (30) days after issuance of the order or rendering of the decision.

#### SECTION 6.

If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this ordinance, or any valid order or decision of the Housing Inspector or the Housing Appeals Board made pursuant to this ordinance, the Housing Inspector or the Housing Appeals Board may institute an action or proceeding in the Superior Court of Yadkin County to prevent the unlawful erection, construction, reconstruction, alteration or use to restrain, correct or abate the violation, to prevent the occupancy of dwelling or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Any ordinance or part of any ordinance in conflict with this ordinance to the extent of such conflict is hereby repealed.

This ordinance is adopted in the interest of public health, safety, and welfare and shall be in force and effect from and after its adoption.

This Ordinance Adopted this the 13 Day November 1989.

Larry W. Adams  
Mayor

Judy S Painter  
EAST BEND TOWN CLERK

## ARTICLE VIII

### AN ORDINANCE TO REGULATE MOBILE HOMES AND MOBILE HOME PARKS

BE IT ORDAINED by the Board of Commissioners of the Town of East Bend:

#### Article A. General Provisions

Section 1. Definitions. Unless the context requires otherwise, the following words shall, for the purpose of this ordinance, have the following meaning:

(1) Mobile home. A portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. As used in this ordinance, "mobile home" also means a double-wide mobile home which is two or more portable manufactured housing units designed for transportation on their own chassis which connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

(2) Mobile home park. Any lot, tract or parcel of land used, maintained, or intended to be used, maintained leased or rented for occupancy by two (2) or more mobile homes, together with accessory structures provided in connection therewith. This definition shall not include mobile home sales lots upon which unoccupied mobile homes are parked for the purpose of inspection and sale.

(3) Dwelling. Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, including any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

#### Section 2. Mobile home location regulated.

(a) It shall be unlawful for any person to place or maintain a mobile home on any lot or tract upon which another dwelling is already located as shown by the official Yadkin County property maps in effect at that time and maintained in the Yadkin County Land Records Department, provided that more than one (1)mobile home may be situated upon any single tract in conformity with the mobile home park regulations of the Town of East Bend.

(b) It shall be unlawful for any person to place or maintain more than one (1) mobile home used or intended for human habitation on any lot or tract of record as shown by the official Yadkin County property maps in effect at that time and maintained in the Yadkin County Land Records Department, provided that more than one (1) mobile home may be situated upon any single tract in conformity with the mobile home park regulations of the Town of East Bend.

(c) It shall be unlawful to place or maintain a mobile home on any lot or other tract of land until a permit for the mobile home has been issued by the building inspector of the Town of East Bend. No permit shall be issued until the Town of East Bend building inspector determines that the mobile home as proposed to be situated meets the requirements of this ordinance and other applicable requirements.

Section 3. Water and sewer service. Each mobile home, whether located on an individual lot or in a mobile home park, shall be properly connected with a municipal water and sanitary sewer system, if reasonable available. If municipal water and/or sanitary sewer services are not reasonable available, each mobile home shall be connected with an adequate and safe supply of water, and shall be connected with an adequate septic tank or other waste disposal system. Any such water supply or waste disposal system must be constructed, installed and maintained in compliance with all applicable state, county and local requirements.

Section 4. Compliance with state, county and local regulations. No mobile home shall be located, used or occupied otherwise than in compliance with all applicable state, county and local rules and regulations, including health and sanitation requirements, and zoning regulations, if applicable.

Section 5. Mobile homes to be anchored. The Board of Commissioners hereby adopts by-reference those provisions of the State Mobile Home Standard USAS-A119.1 relating to requirements of anchorage to foundation, and hereby provides that such standards shall be effective with respect to all mobile home units located within the corporate limits, new and pre-existing, not covered by applicable State law.

Section 6. Moving permit required. It shall be unlawful for any person to remove or cause to be removed any mobile home from any location in the Town without first having secured from the Town of East Bend building inspector a permit to do so.

Section 7. Compliance with mobile home park regulations. Mobile homes located within mobile home parks shall comply with the applicable regulations governing mobile home parks.

## Article B. Mobile Home Park Requirements

Section 8. Permit for mobile home parks required. It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the corporate limits for a mobile home park until application has been made and a permit therefore has been issued by the Town of East Bend building inspector.

Section 9. Location of mobile home parks regulated. In the event a zoning ordinance is in effect, a mobile home park shall be located only within those zoning districts where mobile home parks are a permitted use. The provisions of this ordinance shall be construed as supplemental to the zoning ordinance. To the extent of any inconsistency between provisions of the zoning ordinance and this ordinance, it is the intent of the Board of Commissioners that the zoning ordinance shall control. In the event a zoning ordinance is not in effect, the requirements of this ordinance shall govern the location of mobile home parks.

Section 10. Site requirements. Mobile home parks and each mobile home within shall comply with the area, location and other dimensional requirements of this ordinance. Prior to granting a permit for a park, the Town of East Bend building inspector shall require the owner or developer to submit to the Board of Commissioners a complete plan of the proposed park, showing the location of the boundaries of the park property, proposed vehicle exits, entrances and off-street parking spaces, mobile home layout, and such other information as he deem necessary in order to determine whether all requirements of this ordinance and other applicable requirements are to be met. Site requirements for all mobile home parks shall be as follows:

(1) The minimum size lot, tract or parcel of land to be used shall not be less than 20,000 square feet, and such site shall have an average width of not less than 100 feet.

(2) The minimum size mobile home site area or separate lot to be occupied by one (1) mobile home shall be 25 feet by 50 feet and such site shall be identified by markers placed at each corner.

(3) No part of any mobile home shall be placed within ten (10) feet of its individual site or lot line as established in (2) above or within 20 feet of any other mobile home side to side, or end to end.

(4) No mobile home shall be located within 25 feet of any street or exterior boundary line of the mobile home park.

(5) Two (2) off-street automobile parking spaces shall be provided on the site in an approved manner for each separate mobile home unit. Such off-street parking spaces shall be set aside in a location convenient to the occupants of the units and shall have ingress and egress by means of a public way. Where parking areas are provided adjacent to a public street, ingress and egress thereto shall be made accessible only through driveways or openings not exceeding 25 feet in width at the curb line of the street.

Section 11. Facilities required. Each mobile home park shall provide minimum facilities for occupants as follows:

(1) Garbage and trash containers. One (1) garbage and trash container meeting Town requirements shall be provided for each mobile home. Containers shall be located within the park at a point which is readily accessible for collection. In lieu of requiring individual garbage and trash containers for each mobile home, other approved garbage and trash disposal facilities may be provided, with the approval of the Board of Commissioners.

(2) Driveways. Access driveways shall be constructed within parks when one or more mobile homes are to be located more than 100 feet from a public street or off-street parking space. Other approved access driveways may be constructed at the option of the owner. All driveways shall be graded to a width of 10 feet for one-way drives and to a width of 16 feet for two-way drives. All driveways shall be kept open and shall be constructed and maintained in such manner to be passable to vehicular traffic under all weather conditions.

Section 12. General sanitation. It shall be the duty and responsibility of the owner or his authorized agent to keep the mobile home park in a reasonable clean and sanitary condition at all times, and to maintain and keep in good repair all required facilities.

Section 13. Conformance with mobile home regulations and mobile home park regulations. It shall be unlawful for a person to park or store a mobile home, or maintain, build or alter a mobile home park within the Town of East Bend, except in accordance with this ordinance.

This ordinance shall not apply to those mobile homes to which all the following requirements were met as of November 9, 1987, to wit: (1) located in the Town of East Bend on the 9th day of November, 1987, and (2) attached to water and waste disposal systems on the 9th day of November, 1987, and (3) occupied by human habitation on the 9th day of November, 1987.

Section 14. Notice and effective date.

This ordinance shall be in effect from the date of its adoption on November 9, 1987. A copy of this ordinance shall be published in a newspaper having general circulation in the town once a week for two (2) consecutive weeks.

This the 9th day of November, 1987.

Larry Adams  
Mayor



Judy S Painter  
EAST BEND TOWN CLERK

## ARTICLE IX

### NOISE CONTROL

#### **ORDINANCE Section 1. Loud, disturbing noises generally.**

Subject to the provisions of this ordinance, the creation and continuation of any unreasonably loud and disturbing noise in the town is prohibited. It shall be unlawful for any person to cause, make or contribute to creating any unreasonably loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual or to annoy or disturb the quiet and peace of any individual.

#### **Section 2. Noises expressly prohibited.**

The following acts, among others, are declared to be loud, disturbing, and annoying noises in violation of this ordinance, but such enumeration shall not be deemed to be exclusive:

- (1) *Vehicle horns and signaling devices.* The sounding or blowing of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal.
- (2) *Radios, tape players, etc.* The playing of any television, radio, phonograph, tape player, compact disc player, or such other device that reproduces or amplifies sound in such a manner or with such volume as to create noise that can be heard 60 feet from the device or vehicle containing that device when the vehicle is being operated in or on a public right-of-way or public space as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence.
- (3) *Animals and birds.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- (4) *Noisy vehicles.* The use of any automobile, motorcycle or vehicle so out of repair or repaired in such manner as to create loud noises, particularly grating, grinding, rattling, riveting, or other disturbing noises.
- (5) *Exhaust discharge.* The discharge into the open air of the exhaust from any steam engine, stationary internal combustion engine, motorboat engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) *Devices using compressed air.* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
- (7) *Building operations.* The erection, including excavation, demolition, alteration or repair, of any building in a residential or business district, other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in cases of urgent necessity in the interest of public safety, and then only with a permit from the town.

(8) *Noises near schools, churches.* The creation of any excessive noise on any street adjacent to any school, institution of learning or library, while the same is in session, or adjacent to any church during church service, which interferes with the work or worship in any such place or institution; provided, that signs must be displayed in any such street indicating that the same is a school or church street.

(9) *Loading and unloading operations; repairing vehicles; etc.* The creation of loud and excessive noises in connection with loading or unloading any vehicle, repairing any vehicle or opening and destroying bales, boxes, crates and containers.

(10) *Hawking, peddling or soliciting.* Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxicab drivers, solicitors and vendors, which disturbs the quiet and peace of the neighborhood or any person therein.

(11) *Noises to attract attention.* The use of any drum, stationary loudspeaker or other like device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

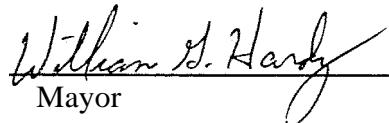
(12) *Loudspeakers or amplifiers on vehicles.* The use of any mechanical loudspeakers or amplifiers on trucks, airplanes or other vehicles for advertising or other purposes, except by special permission of the town council.

(13) *Business noises at night near residences.* The operation of any garage, filling station, auto repair business, taxicab business, plant, store, factory or other place of business, between the hours of 8:00p.m. and 7:00 a.m., in such manner as to create loud and disturbing noises of such frequency or such volume as to annoy or disturb the quiet and comfort of any individual, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.

### **Section 3. Penalty.**

A violation of this ordinance or any part thereof, shall constitute a misdemeanor and shall subject the offender to a fine of not more than \$500.00 or imprisonment for not more than 30 days.

Adopted this 12<sup>th</sup> day of July 1999.



William S. Hardy  
Mayor

Attest:



Judy S. Painter  
Town Clerk

## ARTICLE X

### An Ordinance Regulating Parades

#### **Section 1. Definitions.**

For the purposes of this article, the following terms shall be defined as follows:

*Chief of police* shall mean the Chief of Police of the Town of East Bend, or his or her designee.

*Parade* shall mean any parade, march, demonstration, or procession of any kind, including so called "wagon trains," in or upon the public streets, alleys, sidewalks, parks or other public grounds or places, involving more than four (4) pedestrians or more than three (3) vehicles; provided, however, the term shall not include:

- (1) Funeral processions;
- (2) Foot races and bicycle races involving no more than ten (10) participants;
- (3) The activities of any governmental agency acting within the scope of its authority; and
- (4) A parade that is conducted under the sponsorship of the town.

#### **Section 2. Permit required.**

It shall be unlawful for any person to organize, conduct or participate in any parade in or upon any street, sidewalk, alley or other public place within the town limits, unless a permit therefor has been issued by the chief of police in accordance with the provisions of this ordinance.

#### **Section 3. Unlawful participation.**

It shall be unlawful for any person to conduct or participate in any parade except in conformance with the provisions of this article.

#### **Section 4. Permit-Possession and display.**

The person in whose name the permit has been issued shall carry the permit for the parade upon his or her person during the conduct of the parade.

## **Section 5. Application.**

(a) A written application, on a form supplied by the town, shall be made to the chief of police by persons desiring to have a parade. Such application shall be submitted at least three (3) business days, but not more than ninety (90) days, in advance of the date on which the parade is proposed to occur. Notwithstanding the preceding, where good cause is shown for inability to make application at least three (3) business days in advance, and when the chief of police finds that the time from the date of filing is sufficient for the town to prepare for the parade pursuant to the standards set forth in this ordinance, the chief of police shall consider applications filed after the deadline, in accordance with the provisions of this ordinance.

(b) Employees of the police department of the town shall indicate on the face of the application the time of receipt by the police department. The application shall be signed by the applicant and shall include the following:

- (1) The name, address and telephone number of the applicant;
- (2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of both the headquarters of the organization and of its authorized head, and a local number for the organization if there is one;
- (3) The name, address and telephone number of the person to be present and responsible for the conduct of the parade (who is referred to in this ordinance as "parade leader"), and, if the parade leader is someone other than the applicant, the application shall be signed by both the applicant and the parade leader;
- (4) The date the parade will be held;
- (5) The proposed location, by street number or intersection, of any assembly areas for the parade;
- (6) The proposed time at which units of the parade will begin to assemble at any such assembly area(s);
- (7) The proposed times at which the parade will begin and terminate;
- (8) The proposed route to be traveled, the starting and terminating points, or the location of the parade if there is no traveling;

(9) A statement as to whether the parade will occupy all or a portion of the width of the streets, sidewalks, parks, alleys, or other public places proposed to be traversed or occupied;

(10) The approximate number of persons, animals and vehicles expected to participate, and the type of animals and a description of any vehicles;

(11) Any alternate date proposed in case of inclement weather or other emergency conditions arising between the date of permit issuance and the parade date;

(12) The plan for promptly removing any trash or animal waste created by the parade; and

(13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit shall be issued.

(c) The parade leader shall sign a written acknowledgment that he or she is personally responsible for removing or having removed trash and animal waste generated along the parade route during the course of the parade.

(d) The application, and information provided therein, shall be a part of any permit that is granted.

## **Section 6.      Issuance.**

(a) Unless the chief of police makes one (1) or more of the findings specified below, a permit, on a form supplied by the town, shall be issued to the applicant. The permit shall be issued in the name of the applicant, or in the name of the parade leader, if different from the applicant. The permit shall be deemed issued under the terms and for the purposes stated in the application, unless otherwise noted. The permit shall set the duration of the parade; may prescribe the portions or areas of streets, alleys, sidewalks or other public places to be used; and may impose such other reasonable requirements necessary for the control and free movement of pedestrian and vehicular traffic, including emergency services, to protect the safety and property rights of participants and of the general public.

(b) The application for a permit shall be denied if the chief of police, based on specific facts, makes any of the following findings in writing:

(1) Adequate provision cannot be made for the safe and orderly movement of the parade and for other traffic,

pedestrian and vehicular, contiguous to its route;

(2) The parade cannot be held without unreasonable interference with the provision of normal police or fire protection or emergency services to the public;

(3) The parade cannot be held without unreasonable interference with the right of property owners in the area to enjoy peaceful and lawful use and occupancy of their property;

(4) The standards set forth in section 11 will not be met;

(5) The parade is being held for an unlawful purpose, or would violate a federal, state or local law or ordinance; or

(6) The parade will require the closing of, or unreasonably restrict the flow of vehicular traffic along a highway under the control of the state. If this is the case, the applicant should seek permission from appropriate state officials prior to making reapplication for a parade permit.

(c) In the event the chief of police denies an application, the chief shall so notify the applicant, in writing, specifying the reason(s) for the denial. Such notice of denial shall be mailed to the applicant at the address shown on the application. If the parade is proposed to be held within five (5) days of the date of the notice of denial, the chief of police shall also cause the police department to make a reasonable attempt to notify the applicant of the denial by telephone, or other appropriate means.

**Section 7.                   Alternate.**

The chief of police, in denying an application as submitted, may grant a permit for a date, time, place, or over a route different from that named by the applicant, or may impose requirements and conditions other than those contained in the application. An applicant desiring to accept an alternate permit shall, within twenty-four (24) hours after notice of the denial and offer of an alternate permit, file with the chief of police a written notice of acceptance of the alternate permit, on a form supplied by the town. An alternate permit, once accepted, shall conform to the requirements and shall have the effect of a permit issued strictly in response to an application.

**Section 8. Notice to town upon issuance.**

Immediately upon the issuance of a parade permit, the chief of police shall send a copy of such permit to the following persons:

- (1) The mayor;
- (2) The fire chief responsible for the area through which the parade will proceed; and
- (3) The county sheriff's department.

**Section 9. Processing time of applications; notice of action.**

Applications shall be processed and permits, or denials thereof, issued as expeditiously as possible, and in no event more than two (2) business days after receipt of the complete application. If the application was submitted more than fifteen (15) days in advance of the parade, the permit, notice of denial of the permit, or notice of permit denial and offer of alternate permit, shall be mailed by first class mail to the applicant at the address shown on the application. In all other cases, the police department shall, in addition to mailing, exercise reasonable diligence to attempt to notify the applicant by telephone, or other reasonable means of communication, of the action taken as soon as possible.

**Section 10. Appeal.**

The action or decision of the police chief may be appealed to the town board by the filing of a written "notice of appeal of the action of the police chief" with the town clerk. Such written notice shall identify the person filing the appeal and shall specify with particularity the facts and basis for the appeal. The town board shall hear an appeal at the first regularly scheduled town board meeting at which the law allows the matter to be considered following receipt of the notice of appeal.

**Section 11. Standards of conduct for parades.**

The following standards shall apply to all parades conducted in the town:

- (1) No more than one (1) parade may be conducted within the town at any one time;
- (2) The prohibitions contained in N.C.G.S. 14-277.2 against possession of dangerous weapons shall be strictly enforced; and

(3) No person shall cause or permit a vicious animal to participate in, or proceed along the route of, a parade.

### **Section 12. Revocation of permit.**

The chief of police may revoke any permit granted for a parade for the following causes:

- (1) The substantial violation of this article or the terms and conditions of the permit; or
- (2) The violation of other laws by those participating in the parade.

### **Section 13. Vending along parade routes prohibited.**

It is unlawful for any persons to sell or offer for sale any goods, wares, or merchandise in or on any portion of the adjacent streets, sidewalks, or rights-of-way of a parade during the times that a parade is in progress and for thirty (30) minutes before and for thirty (30) minutes after the end of the parade.

### **Section 14. Interference prohibited.**

No person shall hamper, obstruct, impede, or interfere with any parade being conducted under authority of a lawfully issued permit. No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and identifiable as a parade under this article. No person shall hamper, obstruct, impede, or interfere with any picket line or picketing lawfully conducted.

### **Section 15. Signs.**

Signs or posters carried by participants in a parade and by bystanders shall be made of cardboard no thicker than one-fourth (1/4) inch. Supports for such signs or posters shall be made of a nonmetallic material no larger than three and one-half (3½) inches by one (1) inch.

### **Section 16. Parking restrictions.**

The chief of police, when reasonably necessary, may prohibit or restrict the parking of vehicles along a street or highway constituting a part of the route of a parade. The chief of police shall cause signs to be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street if such signs are posted less than twelve (12) hours in advance.

## **Section 17. Clean-up.**

The parade leader shall be personally liable for the removal of any trash or animal waste created by the parade, and shall cause such clean-up to occur promptly after the parade has concluded, but in no event more than 2 hours after the time designated in the parade permit for the conclusion of the parade. If such trash and waste is not removed, the town may cause such removal, and charge all costs and expenses therefor to the parade leader, which may be collected in the nature of a debt. The town may charge a reasonable hourly rate for the labor of town employees, which shall be deemed to be \$35 per hour unless some other rate is specifically adopted by the town board.

## **Section 18. Enforcement.**

The town may enforce this ordinance in any of the following ways:

(1) *Criminal enforcement.* By treating the violation thereof as a criminal misdemeanor, punishable upon conviction by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, as provided in N.C.G.S.14-4.

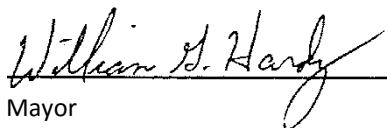
(2) *Civil enforcement.* By the levy of a civil penalty in the amount of three hundred dollars (\$300.00). Civil penalties remaining unpaid after seven (7) days may be collected by means of a civil action in the nature of debt.

(3) *Equitable remedies.* By pursuing equitable remedies that will issue from a court of competent jurisdiction.

## **Section 19. Severability.**

Invalidation by a court of a section of this article shall not render unenforceable other portions of this article if the other portions may reasonably be enforced in the absence of the invalid portion.

Adopted this 12<sup>th</sup> day of July 1999.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Clerk

ARTICLE XI

## Parking Ordinance

It shall be unlawful for any person to park upon or obstruct any public sidewalk or walkway within the Town. The term "sidewalk" means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians. Any person violating this ordinance shall be subject to a civil penalty in the amount of \$10.00 per infraction, which may be collected in the nature of a debt.

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4-11-2014

Date

Archie B. Hicks, Jr.

Archie B. Hicks, Jr., Mayor

Vickie J. Matthews  
Vickie J. Matthews, Town Clerk

## ARTICLE XII

### AN ORDINANCE PROHIBITING STOPPING, STANDING OR, PARKING IN SPECIFIED PLACES

WHEREAS, the Town of East Bend is desirous of establishing an ordinance setting out regulations for the stopping, standing or parking of motor vehicles in specified places.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of the Town of East Bend, North Carolina as follows:

#### Section 1. Definitions

The following words or phrases when used in this Ordinance shall, for the purposes of this Ordinance, have the meanings respectively ascribed to them in this Ordinance, except in any instance where otherwise specifically provided or where the context clearly indicates a different meaning.

##### (1) Curb loading zone

A space adjacent to a curb reserved for the loading and unloading of passengers or materials.

##### (2) Intersection

The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of the two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

##### (3) Vehicle

Every device used in, upon, or by which any person or property is or may be transported or drawn upon any street within the corporate limits.

##### (4) Park

The standing of any vehicle, whether occupied or unoccupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or cargo.

#### Section 2. Stopping, Standing, or Parking Prohibited, No Signs Required

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 25 feet of an intersection except as otherwise established by ordinance;
- (7) Within 30 feet of the driveway entrance to any fire station when properly signposted;
- (8) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (9) In a curb loading zone except that vehicles may park in this curb loading zone only for the purpose of loading or unloading passengers or materials.
- (10) At any place where official signs prohibit stopping.

Section 3. Stopping, Standing, or Parking Not To Obstruct Traffic

No person shall park any vehicle upon any street in any manner so as to interfere with or impede the normal flow of vehicular traffic in its designated lane of travel.

Section 4. No Stopping, Standing, or Parking Near Hazardous or Congested Places

When official signs are erected at hazardous or congested places no person shall stop, stand or park a vehicle in any such designated place.

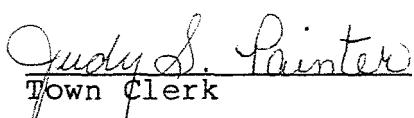
Section 7. Penalty

Except as otherwise provided, the violation of any of the provisions of this Ordinance shall constitute a misdemeanor.

This Ordinance shall be in full force and effect upon and after the date of its adoption on this the 27th day of August, 1987.



Jagger W. Adam  
Mayor



Judy S. Painter  
Town Clerk

AN ORDINANCE ESTABLISHING CERTAIN ONE WAY STREETS, REQUIREMENTS TO STOP, LOADING ZONES AND SCHOOL ZONES

WHEREAS, the Town of East Bend is desirous of establishing an ordinance setting out regulations for the establishment of certain one way streets, requirements to stop on certain streets, loading zones and school zones near and around the East Bend Elementary School for the safety and protection of the children attending the East Bend Elementary School, and for the safety and protection of any other person working at or visiting the East Bend Elementary School.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of the Town of East Bend, North Carolina as follows:

Section 1. Definitions

The following words or phrases when used in this Ordinance shall, for the purposes of this Ordinance, have the meanings respectively ascribed to them in this Ordinance, except in any instance where otherwise specifically provided or where the context clearly indicates a different meaning.

(1) Curb loading zone

A space adjacent to a curb reserved for the loading and unloading of passengers or materials.

(2) Intersection

The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of the two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(3) Motor vehicles

Every vehicle which is self-propelled and every vehicle designed to run upon the streets which is pulled by a self-propelled vehicle.

(4) Vehicle

Every device used in, upon, or by which any person or property is or may be transported or drawn upon any street within the corporate limits.

(5) Park

The standing of any vehicle, whether occupied or unoccupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or cargo.

Section 2. One Way Street

School Street from the point of its intersection with Cemetery Street to the point of its intersection with NCSR 1549 (Flint Hill Road) shall be restricted as a one way street, except as herein set out.

Yadkin County Public School Buses may enter School Street at the point of its intersection with NCSR 1549 (Flint Hill Road) and may travel from the intersection of School Street and NCSR 1549 (Flint Hill Road) to that private drive located on the east side of the East Bend Elementary School for the purpose of loading and discharging passengers and parking.

All motor vehicles except Yadkin County Public School Buses as set out above shall travel only in an easterly direction on that portion of School Street from the point of its intersection with Cemetery Street to the point of its intersection with NCSR 1549 (Flint Hill Road) as indicated on any official traffic control device located on said street.

Section 3. Vehicles to Stop at Stop Signs

Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop intersection described herein and indicated by a stop sign or stop line shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, before entering the intersection.

Intersections at which "stop" is required before entering under this Ordinance are:

(1) Cemetery Street at School Street

(2) Intersection of School Street and NCSR 1549 (Flint Hill Road)

The driver having stopped in obedience to a stop sign or stop line at an intersection shall proceed cautiously, yielding the right of way to all vehicles not so obliged to stop which are approaching the intersection.

#### Section 4. Curb Loading Zone

There shall be a curb loading zone on that portion of School Street contiguous to the sidewalk located on the north side of the East Bend Elementary School and on the south side of School Street. This curb loading zone shall be six (6) feet in width in a northward direction as measured from the northern edge of said sidewalk, and shall be clearly marked as such.

Motor vehicles may park in this curb loading zone only for the purpose of loading or unloading passengers or materials.

#### Section 5. Vehicles to Yield at Yield Signs

Except when directed to proceed by a police officer, every driver of a vehicle approaching a yield intersection described herein and indicated by a yield sign shall slow down and yield the right of way to any pedestrian crossing the roadway and to any vehicle in movement on the dominant street.

The intersection at which "yield" is required before entering under this Ordinance is the intersection of School Street and the school bus loading, discharge and parking areas on the east side of the East Bend Elementary School.

#### Section 6. School Zones

Whenever authorized signs are placed designating any street or part thereof, as a school zone, drivers of motor vehicles using the street shall exercise the greatest care for the protection of children.

#### Section 7. Penalty

Except as otherwise provided, the violation of any of the provisions of this Ordinance shall constitute a misdemeanor.

This Ordinance shall be in full force and effect upon and after the date of its adoption on this the 27th day of August, 1987.

  
Barry W. Adam  
Mayor

  
Judy Pinter  
Town Clerk

**ARTICLE XIII**  
**PEDDLING AND SOLICITING**

**Sec.1. Definitions:**

**Peddler:** Any person who transports good from place to place and sells or offers for sale such goods, or, without traveling, offers goods for sale from a vehicle.

**Solicitor:** Any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, or occupies a building solely for that purpose.

**Transient Vendor:** Any person who engages in a temporary business of selling and delivering goods, and who, for that purpose uses or occupies any building or premises.

**Town:** The Town of East Bend

**Valid Identification:** Valid unexpired Driver License or State-Issued Identification Card from NC or another State, Puerto Rico, a U.S. Territory, or a Canadian Province, Valid unexpired U.S. Military ID, including DD-2, DD-214, or U.S. Military Dependents Card, U.S. Veteran Universal Access Card, Limited Driving Privilege issued by a NC court, Original Social Security Card with Certified Copy of Birth Certificate.

**Sec.2. Registration:**

Each person doing business as a peddler, solicitor or transient vendor shall file with the Town Clerk, on a form to be provided for that purpose, a statement setting forth the following information:

1. Full name, address and date of birth of the individual filling the statement;
2. Name and address of principal or employer of that individual, if any;
3. Description of the individual filing the statement which shall be accompanied by a photo copy of a valid form or forms of identification.
4. Description of the goods or services to be offered for sale;
5. The period of time during which the business will be carried on, which shall be a maximum of 180 days;
6. Description of the automobile or the other vehicle to be used in the business, including the vehicle license number, year model, color and make of said vehicle.

Upon receipt of this information, the Town will conduct an investigation of the public record of the Applicant. The investigation may take up to 72 hours. Material falsity in the application or conviction of a felony involving violence, misdemeanor assault, fraud, larceny or moral turpitude shall be cause to deny the Applicant a license.

**Sec.3. Fees:** The Town shall establish a fee for the issuance of this license.

**Sec.4. Certificate**

The clerk shall issue to each person fulfilling the above requirements a certificate stating that the applicant has registered with the Town and the time period of the license, which shall not exceed

180 days. During this time that the applicant is engaged in soliciting within the Town, the certificate shall be exhibited to each person being solicited before any contact is made.

**Sec.5. Exemptions:**

This Ordinance shall not apply to any person participating in a festival or event sponsored or supported in whole or in part by the Town which does not last more than three consecutive days. This Ordinance shall not apply to a nonprofit, charitable, educational or service organization or association.

**Sec.6. Revocation, Lost, Stolen Permit:**

1. The Town Clerk and/or East Bend Police Dept. has the authority to revoke, suspend and/or seize a permit at any time if a violation of the Ordinance has taken place which include **but not limited to**; Violation of solicitation hours, Failure to leave a business or residence when told to do so. (Trespassing), Complaints of making buyers/purchasers feeling uncomfortable for their personal safety, personal property and belongings.

2. If a revocation takes place monies will not be refunded to the applicant or business in question. (Unless deemed to do so with approval from the Town Board)

3. Lost or stolen permits should be reported immediately during regular Town business hours; however, a new application and fees will apply and upon a successful application a new permit can be issued.

**Sec.7. Compliance:**

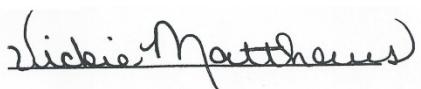
1. Solicitation hours are between the hours of 8:00am and 8:00pm.

2. The certificate shall be exhibited to each person being solicited before any contact is made.

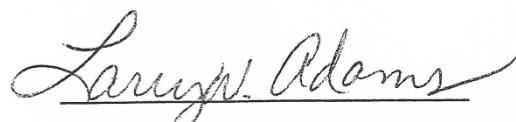
3. It shall be unlawful for any peddler, solicitor or transient vendor to engage in business within the Town without complying with this Ordinance. Any licensee under this Ordinance shall operate the business in compliance with all state and local laws. Any person who violates the terms of this Ordinance, including by giving false information on the application, shall be guilty of a misdemeanor.

This Ordinance enacted this 9<sup>th</sup> day February 2015 by a majority vote of the Town Commissioners.

Attest:



Town Clerk



Mayor, Town of East Bend

## ARTICLE XIV

### ORDINANCE REGULATING THE BULK SALE OF WATER

The bulk sale of water may be permitted on the following terms:

1. No bulk sale in excess of 10,000 gallons to any person in any day shall be permitted without the express written consent of the member of the East Bend Town Board then serving as Water Commissioner.
2. The price for all bulk water sales for each occurrence shall be that rate charged to water users who reside outside the corporate limits of the Town of East Bend with a minimum based on the price for 3,000 gallons.
3. An additional fee of \$5.00 shall be charged for each time a fire hydrant is opened for each bulk sale.
4. The calculation of the amount of water sold shall be made by the Town of East Bend.
5. Purchases of water shall be made only during the regular working hours of the employees of the Town of East Bend.
6. A town employee or the Water Commissioner must be present each time any fire hydrant is opened for the bulk sale of water and the opening and closing of the fire hydrant shall be done only by an employee of the Town of East Bend or by the Water Commissioner of the Town of East Bend.
7. The Water Commissioner for the Town of East Bend may at any time determine that sufficient conditions exist such as to make it inadvisable to sell bulk water and may in his or her discretion restrict or prohibit the bulk sale of water.
8. This ordinance does not apply to Voluntary Fire Departments located in Yadkin County who use bulk water for firefighting purposes.
9. Except as otherwise provided the violation of any of the provisions of this ordinance shall constitute a misdemeanor, and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than two (2) years, or both, in the discretion of the court.

THIS ORDINANCE ADOPTED THIS THE 14<sup>th</sup> DAY OF July in the year of 1987 BY THE Board of Commissioners

Judy Painter  
Judy Painter, Town Clerk

Larry Adams  
Larry Adams, Mayor

Alton Johnson  
Alton "Bud" Johnson,  
Water Commissioner

## ARTICLE XV

### AN ORDINANCE REGULATING THE USE OF SKATEBOARDS ON TOWN STREETS AND SIDEWALKS, IN TOWN PARKS AND ON TOWN PROPERTY

WHEREAS, riding of skateboards, roller skates and roller blades on sidewalks, public roads and other public areas in the Town of East Bend (the "Town") has jeopardized the health, safety and welfare of those using the sidewalks, roads and other public areas; and,

WHEREAS, the Town has determined that severe and repeated damage is being done to property owned or controlled by the Town by skateboards, roller skates and roller blades, and,

WHEREAS, the potential danger to the public by pedestrians and drivers is such that it is reasonable and appropriate for the public safety and public wellbeing for the Town to regulate the riding of skateboards within the Town.

NOW, THEREFORE, the Town hereby does ordain as follows: (I)

No person shall ride a skateboard, roller skate or roller blade from sunset to sunrise.

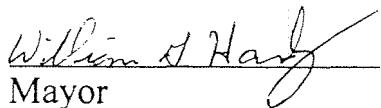
- (2) Parks and Playgrounds. No person shall ride or operate a skateboard, roller skate or roller blades in any area of a park or playground maintained by the Town that is not specifically designated and intended for such traffic.
- (3) Private Property. No person shall ride or operate a skateboard, roller skate or roller blade upon the property of another without written consent of the property owner.
- (4) Negligent Operation Prohibited. It is unlawful for any person to operate a skateboard, or roller skate or roller blade, in a negligent manner upon any roadway or privately owned property or parking lot (including church parking lots and property) within the Town. For purposes of this section, "to operate in a negligent manner" means the operation of a skateboard or roller skate or roller blade in such a manner as to endanger or to be likely to endanger any person or property or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use of any pedestrian of public streets, sidewalks, alleys, parking areas, pathways, or trails within the Town.

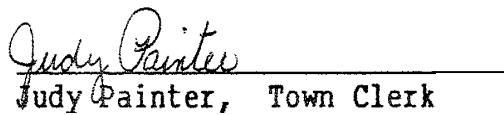
- (5) No person shall ride a skateboard, roller-skate or rollerblade upon any Town street or highway within the Town Limits.
- (6) Penalty. The violation of any of the provisions of this ordinance shall constitute a misdemeanor.
- (7) Minors. The parent of any child under the age of eighteen (18) years who violates this ordinance shall also be in violation of this ordinance.
- (8) Third Party Liability. It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

It is the specific intent of this ordinance that no provision of, or any term used in, this ordinance is intended to impose any duty whatsoever upon the Town of any of its officers or employees, for who the implementation and enforcement of this ordinance shall be discretionary and not mandatory.

Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the Town, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the Town related in any manner to the enforcement of this ordinance by its officers, employees or agents.

ADOPTED THIS THE 13<sup>th</sup> DAY OF MAY, 2002

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Judy Painter, Town Clerk

## ARTICLE XVI

### SOLID WASTE COLLECTION AND DISPOSAL

#### Section 1. Definitions

As used in this article, the following terms shall have the respective meanings ascribed to them:

*Building Material Scraps:* scrap material and debris from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign or other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, metal, plaster, concrete, carpet, lumber, paint cans or any other similar material used in construction, or the containers or wrappings therefore.

*Bulk Trash:* Large household items, such as tires, white goods, goods, mattresses, lawnmowers, furniture, and similar.

*Garbage:* All animal, fruit and vegetable matter, and all cans, glassware, crockery, bags and other containers not suitable for recycling, in which such matter has been kept or stored.

*Industrial Refuse:* Sawdust, shavings, feathers, excelsior, packing peanuts, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

*Refuse:* All trash, debris, ashes, or other matter which is not Building Material Scraps, Bulk Trash, Garbage, Industrial Refuse or Yard Waste as defined herein.

*Yard Waste:* Tree limbs, shrubbery trimmings, prunings, grass cuttings, leaves, and all other matter produced by the natural growth of trees, shrubbery, weeds, plants or grass.

*Town:* the Town of East Bend, North Carolina.

#### Section 2. Use of containers and bags.

(a) The occupant of every residential building or premises where garbage or refuse does or may exist shall provide containers made of substantial galvanized metal, plastic, rubber or other non-rusting material in which shall be deposited *all* garbage and refuse existing at such building or premises. Each container shall be provided with handles or bails and with a tight fitting cover made of the same material as the container. All containers shall be water-tight and shall be of a size which may be conveniently handled by the collectors; no container shall exceed thirty gallons in capacity. All containers shall be kept in a reasonably clean condition. Plastic bags may be used in lieu of containers, but in no event shall any container or bag weigh more than fifty (50) pounds when full.

(b) Garbage and refuse will be collected and removed from approved containers in accordance with the published schedule in the residential districts.

(c) On the days designated in this section for collection, containers shall be in place at the curb in front of the premises or in a designated area prior to 8:00am, but shall not be placed at the curb prior to the evening before. It is the responsibility of the property owner to remove the container from the curb or collection area within 24 hours after it has been emptied.

(d) If garbage or refuse is presented for collection and not collected by the Town in compliance with this Ordinance because it is too heavy, too many bags or containers at one time, not generated in Town, is yard waste, bulk trash, or similar, and/or does not comply with this Ordinance; then it is the responsibility of the occupant of the premises to remove such items from the curb or collection area and properly dispose of those items within 48 hours of the designated collection time.

#### Section 5. Unusual items

(a) Yard waste, scrap building materials, bulk trash, dead animals, and industrial refuse will not be regularly collected by the Town. Disposal of these items is the responsibility of the property owner. However, the Town may set special days for collection of some of these items, or may enter into a special contract for their removal. Generally, the Town shall collect and remove only household garbage and refuse generated by the occupation of the premises.

#### Section 6. Burning or burying garbage and refuse.

(a) It shall be unlawful to burn or bury any garbage for the purpose of disposal. It shall be unlawful to burn any refuse for the purpose of disposal without a permit issued by the Town.

#### Section 7. Rates, schedules and frequency of pickup.

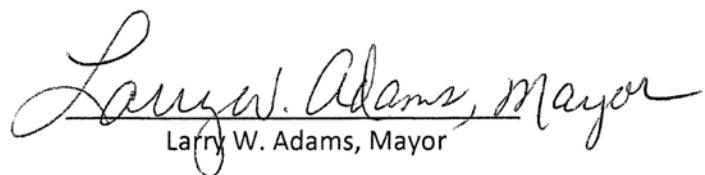
(a) The Town shall determine the fees, rates, schedules and frequency of pickup.

(b) Town may institute written policies to implement this Ordinance.

#### Section 8. Penalty for Violation and enforcement

A violation of this Ordinance may be punished by a civil penalty according to the schedule approved by the Town Commission. Each and every day's continuing violation shall be a separate offence. It is a violation of this Ordinance to interfere with the Town's collection of solid waste. The Town may discontinue service to premises where a continuing violation has occurred.

Further, the Town may treat the violation of this Ordinance as a criminal misdemeanor, punishable by a fine or imprisonment as provided by N.C.G.S. 14-4.



*Larry W. Adams, Mayor*  
Larry W. Adams, Mayor



*Vickie J. Matthews*  
Vickie J. Matthews, Town Clerk

## ARTICLE XVII

### AN ORDINANCE REGULATING THE INSTALLATION OF WATER LINES, WATER LINE TAPS AND WATER METERS IN SUBDIVISIONS

WHEREAS, property owners are desirous of subdividing parcels of real property within the jurisdiction of the Town of East Bend and,

WHEREAS, the Town of East Bend is desirous of establishing an ordinance setting out regulations for the installation of water lines, water line taps and water meters in instances where a parcel of land is subdivided into four or more lots; and,

WHEREAS, the Town of East Bend is authorized to regulate the installation of water lines, water line taps and water meters within its jurisdiction.

NOW THEREFORE, BE IT ORDAINED by the Commissioners of the Town of East Bend, North Carolina as follows:

#### Section 1. Definitions

The term "subdivision" as used in this ordinance shall mean all divisions of a tract or parcel of land into four (4) or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets.

The term "developer" as used in this ordinance shall mean the owner or owners of that tract or parcel of land which is intended to be divided into four (4) or more lots, building sites, or other divisions for the purpose of sale, or building development (whether immediate or future).

The term "subdivision water line" as used in this ordinance shall mean that water line which branches off from the town's water line.

The term "tap on line" as used in this ordinance shall mean that water line from the subdivision water line to the water meter, and shall include any lines required to be run from the subdivision water line under any road.

The term "setter box" as used in this ordinance shall mean all materials necessary for the installation of a water meter except the water meter itself.

The term "town" as used in this ordinance shall mean the Town of East Bend, North Carolina

## Section 2. Requirements To Connect A Subdivision Water Line To The Town's Municipal Water System

Before the town shall approve the connection of a developer's subdivision water line to the town's municipal water system the developer must comply with all the following requirements:

1. The construction of and the maintenance of water lines and all the other necessary parts of the water system beyond the town rights-of-way and utility easements shall be the sole responsibility of and at the sole expense of the property owner and in accordance with town ordinances and required specifications. Upon the satisfactory completion of said water lines in compliance with the town ordinances and required specifications, formal dedication shall be made to the town at which time the maintenance of said water lines shall become the responsibility of the town. Provided however that all water systems must have been in use for a period of one year before the water line will be accepted by the town.

2. The developer must submit to the town a complete set of construction plans for the proposed water system, prepared by a registered engineer or surveyor, and approved by the appropriate officials of the town of East Bend, and by the appropriate county and state agencies. The costs of the preparation of said construction plans shall be the sole responsibility of the developer.

3. The developer must notify the town upon the excavation by the developer of the ditch designed for the placement of subdivision water lines, before any subdivision water lines are placed in this excavation.

## Section 3 Placement Of Tap On Lines And Setter Boxes

Upon the notification by the developer that the excavation for the placement of subdivision water lines has been completed, the town has the following options as to the installation of tap on lines and setter boxes, solely at the option of the town:

OPTION "A". The town may at its option place tap on lines and setter boxes on each lot of the subdivision. The town may dig additional ditches across any road in the subdivision and may run tap on lines under said road to serve lots in the subdivision on the opposite side of the road from the subdivision water line. The town will bear all costs for the attachment of tap on lines and the placement of setter boxes. When the town is requested to install a water meter in the setter box then the town shall charge the person requesting the installation of the water meter the charges for a tap on fee then existing. Under this option neither the developer, the land owner nor the person requesting the installation of the water meter shall share in any way the receipt of the tap on fee paid to the town when the water meter is installed. Under this option the town shall be entitled to the entire tap on fee when the water meter is installed.

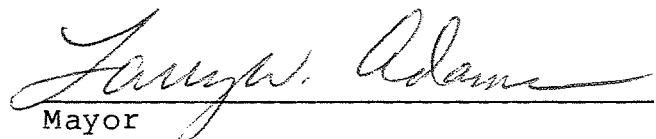
OPTION "B" If the developer desires, the developer may apply to the town for permission to install tap on lines and setter boxes himself. If the town approves this request, then the town shall issue permission in writing. Upon receipt of this permission, the developer shall be permitted to purchase and install at the developer's expense, materials to place tap on lines and setter boxes on each lot of the subdivision and to run tap on lines under any road in the subdivision to serve lots on the opposite side of the road from the main subdivision water line. This installation shall be done under the supervision of the appropriate town official and shall be done to the town's specification for the installation of water lines and meter boxes then existing. All materials installed by the developer shall be approved by the town and inspected prior to installation. All construction shall be inspected prior to being covered. The entire costs of the materials and installation shall be solely born by the developer.

At such time as any person requests that a water meter be installed on any such lot, then if the installation meets town specifications at that time, the appropriate town official shall install such a meter in the setter. The person requesting the installation of such a meter shall pay to the town the costs of said meter pursuant to the schedule then existing. The town shall be entitled to the costs of said meter.

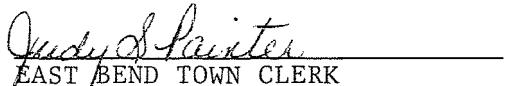
The town shall also charge the person requesting the installation of the water meter the then current fee for connection to the municipal water system. This fee shall be divided equally between the town and the developer who installed the tap on lines and setter boxes. The town shall have no obligation to pay any sums to the developer until the town receives payment in full from the person requesting the installation of the water meter.

Under extraordinary circumstances a waiver of that part of this regulation dealing with the installation of tap on lines and setter boxes may be granted where in the sole discretion of the town it is not feasible for taps to be installed during the construction of the subdivision water line. If a waiver is granted then when connection to the municipal water system is requested by a property owner, the town will provide all materials and labor necessary for this connection and the town will charge a fee to be set in the discretion of the town for this service.

This ordinance shall be in full force and effect upon and after the date of its adoption, this 9th day of March, 1987.

  
Lang W. Adams  
Mayor

ATTEST:

  
Judy Painter  
EAST BEND TOWN CLERK

AMENDMENT TO ORDINANCE REGULATING THE INSTALLATION OF  
WATER LINES, WATER LINE TAPS AND WATER METERS IN SUBDIVISIONS

WHEREAS, an ordinance of the Town of East Bend entitled "An Ordinance Regulating the Installation of Water Lines, Water Line Taps and Water Meters in Subdivisions" sets out regulations for the installation of water lines, water taps and water meters in subdivisions and,

WHEREAS, Section<sup>2</sup> of said ordinance sets out certain requirements to be complied with by the developer before the Town shall approve the connection of a developer's subdivision water line to the Town's municipal water system and,

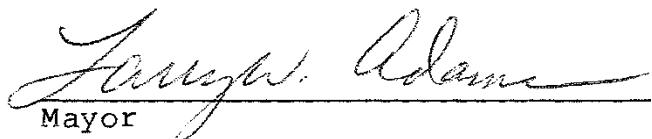
WHEREAS, said ordinance does not specify who shall bear the expense of having any required tests done on the water in said lines.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF East Bend, NORTH CAROLINA:

That Section 2 of an ordinance of the Town of East Bend entitled "An Ordinance Regulating the Installation of Water Lines, Water Line Taps and Water Meters in Subdivisions" shall be amended to add the following:

4. All costs and expenses necessary to test the water in the developer's subdivision water lines and to secure approval of said water by any agency shall be borne by the developer and shall not be the responsibility of the Town.

This amendment to this ordinance shall be in full force and effect upon and after the date of its adoption this 9th day of January, 1989.

  
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Terry W. Adams  
Mayor

ATTEST

  
\_\_\_\_\_  
Judy D. Hunter  
EAST BEND TOWN CLERK

## ARTICLE XVIII

### AN ORDINANCE PROVIDING FOR THE PREVENTION AND ABATEMENT OF PUBLIC NUISANCES CAUSED BY THE UNCONTROLLED GROWTH OF NOXIOUS WEEDS AND GRASS AND THE ACCUMULATION OF REFUSE

WHEREAS, the uncontrolled growth of noxious weeds and grass, the accumulation of offensive animal and vegetable matter, and the accumulation of refuse causes or threatens to cause a nuisance dangerous and prejudicial to the public health or safety, and

WHEREAS, the Board of Town commissioners of the Town of East Bend is authorized by North Carolina General Statutes Sections 160A-174, 160A-175, 160A-192 and 160A-193 to abate nuisances,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of East Bend as follows:

SECTION 1. The existence of any of the following conditions on any parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

A. The uncontrolled growth of noxious weeds or grass to a height of 12 inches for improved property or in excess of 24 inches for unimproved property within 20 feet of a developed lot, public street or sidewalk, causing or threatening to cause a hazard detrimental to public safety.

B. Any trees or shrubbery that shall interfere with or endanger the use of public streets; interfere with or obstruct illumination of street lights; obscure sight distance or create a traffic hazard; interfere with the visibility of any traffic control device or sign; obstruct or impair the free passage of pedestrians or sidewalks; project into or overhang Town sidewalks, or other Town or State right-of-way at a vertical clearance of less than seven (7) feet; or endanger the life, health, safety or property of the public.

C. Any accumulation of 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, or vermin of any kind which is, or may be dangerous or prejudicial to the public health.

D. Any accumulation of animal, vegetable matter, or yard waste that is offensive by virtue of odors, vapors or 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, or vermin of any kind which is, or may be dangerous or prejudicial to the public health.

E. The open storage of any abandoned ice box, refrigerator, stove, glass, building material, construction and/or demolition debris, or similar items.

F. Any condition detrimental to the public health which violates the North Carolina General statutes or the rules and regulations of the Yadkin County Health Department;

G. The accumulation of grass cuttings or yard waste on the sidewalks or in the public street which endangers or obstructs the use of the street or sidewalk or impairs the free passage of vehicles or persons on the street or sidewalk.

SECTION 2. The Code Administrator, upon notice from any person of the possible existence of any of the conditions described in SECTION 1 above, shall investigate, or cause an investigation to be made by the appropriate County or Town officer or employee, to determine whether conditions exist which may constitute a public nuisance as set forth in SECTION 1 above.

SECTION 3. If it appears from investigation that such conditions exist, the Code Administrator shall cause to be hand delivered (which may include posting on the property) and/or mailed to the owner of the property and any tenant of the premises upon which the conditions exist a written notice describing the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the date of delivery. If mailed, the notice shall be sent first class mail, and also by a method which produces a return receipt showing delivery.

SECTION 4. If the owner or tenant, having been notified to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from the delivery of the notice, the Town Clerk shall cause the condition to be removed or otherwise remedied by having employees or agents of the Town go upon said premises and remove or otherwise abate such nuisance under the supervision of the Town. Any person who has been ordered to abate a public nuisance may, within the time allowed by this Ordinance, abate or remove the condition at his cost. As an alternative to the abatement of the nuisance by the Town, the Town may levy a civil penalty payable to the Town in the amount of \$50.00 per violation if the nuisance is unabated after 15 days from the receipt of the notice of violation. Each day the nuisance continues is a separate violation.

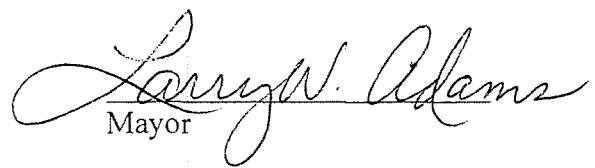
SECTION 5. The actual cost incurred by the Town, incurred by the Town in removing or otherwise remedying a public nuisance, and the civil penalties imposed, if any, shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Town Tax Collector to mail a statement of such charges to the owner, tenant, or possessor of such premises. The charges shall be due and payable within thirty (30) days from the date of billing.

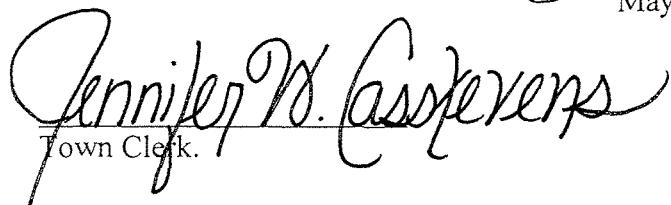
SECTION 6. In the event the charges and civil penalties, if any, set forth in SECTION 5 are not paid within 30 days of the date of billing, such charges shall become a lien upon the land or premises where the public nuisance occurred and shall have the priority and be collected as unpaid ad valorem taxes as provided by N.C. G. S. Sec. 160A-193.

SECTION 7. The procedure set forth in this Ordinance shall be in addition to any other remedies that may now, or hereafter exist under law for the abatement of public nuisances and this Ordinance shall not prevent the Town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this Ordinance as provided in N.C. G. S Sec. 14-4.

SECTION 8. Within the 15 day notice period set forth in SECTION 3, the owner or tenant of the property where the nuisance is alleged to exist may appeal the findings of the Code Administrator that a nuisance exists to the Board of Adjustment by giving written notice of appeal. No civil penalty will be assessed or abatement undertaken (except in case of emergency) until there has been a determination of the appeal. In the event that no written notice of appeal is received, the Code Administrator may proceed to abate the nuisance and/or assess the civil penalty.

SECTION 9. This Ordinance shall be in full force and effect from and after the date of its adoption. This Ordinance adopted this the 12th day of November 2012.

  
Larry W. Adams  
Mayor

  
Jennifer W. Cispevens  
Town Clerk.