

CODE OF ORDINANCES

Chapter 12

OFFENSES AND MISCELLANEOUS PROVISIONS*

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State law reference – State criminal code, G.S. 14-1 et seq.

ARTICLE I. IN GENERAL

Sec. 12-1. Reserved.

Sec. 12-2. Destruction of public property, shrubs, flowers, etc.

It shall be unlawful for any person willfully to break, disfigure, damage or deface any public property or shrubbery, flowers or ornamental figures within any cemetery, church yard, or other public place.

State law references – Willful and wanton injury to real property, G.S. 14-127, injury to trees, shrubbery, etc., G.S. 14-128.

Sec. 12-3. Disorderly conduct.

It shall be unlawful for any person to engage in any disorderly conduct. A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he/she:

- (1) Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence.
- (2) Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of peace.
- (3) Disturbs any lawful assembly of persons without lawful authority.
- (4) Obstructs vehicular or pedestrian traffic on a public way.
- (5) Congregates with other persons in a public place and refuses to comply with a lawful order of the law enforcement officials to disperse.
- (6) Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency.

State law references-Disorderly conduct in or near public buildings, G.S. 14-132; disorderliness in public places, G.S. 14-444.

OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 12-4. Firearms on town property.

(a) It shall be unlawful for any person to display any firearm not used solely for instructional or town sanctioned ceremonial purposes, in any town building, or any town park, grounds, recreation area, athletic field or other property owned, used or operated by the town. This section shall not apply to the following persons:

- (1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such acting under order requiring them to carry arms or weapons.
- (2) Civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the National Guard when called into actual services, officers of the state, when acting in the discharge of their official duties.
- (3) Students who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties.

(b) Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court by fine or imprisonment or by both.

Sec. 12-5. Noise.

- (a) Excessive noise is prohibited. Subject to the provisions of this section, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.
- (b) Radios, phonographs, etc.: The playing of any television, radio, phonograph or other musical instrument in such a manner or with such volume, particularly during the hours between 9:00 p.m. each night until 7:00 a.m., Monday through Saturday, and until 12:00 noon on Sunday, so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel, or other type of residence, shall be deemed to be unlawful and a violation of the provisions of this article.
- (c) Animals, birds: The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity shall be deemed to be unlawful and a violation of the provisions of this section.
- (d) Noise from operation of vehicle: The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise, shall be deemed to be unlawful and a violation of the provisions of this article.

Sec. 12-6. Firearms and explosives.

It shall be unlawful for any person to shoot any kind of firearm or explosive within the town without first having obtained express permission from the Board of Aldermen. This section shall not be interpreted so as to prohibit the use of firearms for self-protection.

State law reference – Explosives, G.S. 160A-183.

Sec. 12-7. Open Burning

All open burning, except campfires and outdoor barbecues, shall follow the guidelines established by the NC department of Environment of and Natural Resources. Permits for open burning excluding the afore

mentioned will require permits issued by the Town of Granite Quarry Fire Department. Campfires and barbeques must be extinguished prior to being abandoned. (Rev.9-4-2007)

Sec. 12-8 through 12-15. Reserved

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OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE II. PEDDLERS

Sec. 12-16. Exhibition of license.

It shall be unlawful for any person engaged in the business of peddling to fail, neglect or refuse to exhibit a peddler's license on demand of any officer of the town.

Sec. 12-17. Peddlers and solicitors going on private premises.

The practice of going in and upon businesses and private residences in the town by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of the business or private residence for the purpose of aggressively soliciting orders for the sale of goods, wares and merchandise or disposing of and peddling or hawking goods, wares and merchandise is declared to be a nuisance and punishable as such nuisance as a misdemeanor.

Sec. 12-18. No Peddlers on Streets

It is the purpose of this section to protect persons engaged in the business of peddling as well as operators of motor vehicles who may be distracted or alarmed at peddlers operating within the streets of the town and for these reasons of safety, it shall be a misdemeanor for any peddler, solicitor, hawker, itinerant merchant or transient vendor to carry on such business on the streets of the town.

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Chapter 13

PERSONNEL

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* **Cross references** – Administration, Chapter 2; law enforcement, Chapter 11.

State law reference – Municipal personnel, G.S. 160A-162 et seq.

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PERSONNEL

ARTICLE I. IN GENERAL

Sec. 13-1. Purpose of chapter.

It is the intent of the Board to establish a uniform and equitable personnel system to support the effective performance of job duties, as set forth in those certain policies adopted from time to time by the Board.

Sec. 13-2. Equal Employment Opportunity and Affirmative Action.

The town affords equal employment opportunity based on the relationship between candidate's qualifications for employment and stated requirements for jobs. This policy of equal opportunity shall apply to all areas of personnel administration to insure equitable treatment to persons in protected classes. The areas of personnel administration specifically included are recruitment, testing, placement, training, promotion, performance appraisal, disciplinary action, compensation and benefits. The Board may implement affirmative action plans and policies as needed.

Sec. 13-3. Employment principle.

Municipal employment will be made on the best match of employee or applicant qualifications to bona fide job requirements. All appointments and promotions will be made in accordance with the provisions of this chapter and policies, which may be established by the Board.

Sec. 13-4. Qualifications for appointment.

The Personnel Committee of the Board may prescribe reasonable and minimum qualification standards for all positions within the town service as well as specific occupationally related qualifications for any class or position, including the ability to satisfy bona fide physical demands for any position. Any such requirement may be used as the basis for rejecting or refusing to examine any applicant. Qualifications set forth by the Finance/Administrative Committee will make reasonable accommodations for disabilities.

Sec. 13-5. At-will employer.

The town is an at-will employer and may terminate an employee at any time for reasons not prohibited by law.

Sec. 13-6. Position classification plan.

The Personnel Committee shall establish, administer and maintain a plan of classification of all positions subject to this chapter upon approval of the Board.

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Sec. 13-7. Grievance procedure.

It is a policy of the town to provide for the settlement of problems and differences through an orderly grievance procedure as set out in the personnel manual and procedures.

Sec. 13-8. Reserve police officers and firefighters.

The Board is authorized to appoint, organize, recruit, train and equip reserve police officers and firefighters for the town.

CODE OF ORDINANCES

Chapter 14

SOLID WASTE MANAGEMENT

ARTICLE I. IN GENERAL

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***Cross references** – Buildings and building regulations, Chapter 6; abandoned vehicles, §9-56 et seq.
State law reference – Authority of town to regulate refuse and garbage, G.S. 160A-192.

SOLID WASTE MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 14-1. Containers required; placement for collection.

- (a) It shall be the duty of every person owning or occupying premises upon which refuse or garbage of any kind may accumulate to obtain approved containers to accommodate and receive all refuse or garbage which shall collect upon his/her premises.
- (b) Each person shall maintain such container at some suitable place upon his/her lot and shall place them at curbside, as designated by the solid waste contractor prior to the times designated for collection by the town refuse and garbage collection system.
- (c) It shall be the duty of every person owning a trash container to remove it from the curb within forty-eight (48) hours of trash collection and place upon his/her lot as indicated in (b) above until the next scheduled collection.

Sec. 14-2. Certain items not collected; volume restricted.

- (a) Large limbs, stumps, construction debris, materials from store openings, dead animals or fowl, leaves, rubbish, and other bulky items shall not be picked up by the town refuse and garbage collection system.
- (b) The amount of refuse and garbage that a customer may deposit for collection in a single week shall be limited to one container, unless special provisions are made with the solid waste contractor.

Sec. 14-3. Rules and regulations generally.

The Board of Aldermen may, by resolution from time to time, promulgate rules and regulations, not inconsistent with this chapter, for the collection of refuse and garbage within the town. Such rules and regulations, when spread upon the minutes and filed in the office of the town clerk, shall be binding upon all persons affected thereby.

Secs. 14-4 through 14-30. Reserved.

ARTICLE II. ROWAN COUNTY ORDINANCE

Sec. 14-31. Scope.

All solid wastes, garbage or other refuse not otherwise collected by the town garbage collection system shall be subject to the county ordinance for the management of solid wastes, which is set out in this article.

Sec. 14-32. Definitions.

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

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Board: The Board of Commissioners of the county.

Bulky waste: Large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

Collection: The act of removing solid wastes from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.

Commercial solid waste: Solid wastes generated by stores, offices, restaurants, warehouses and other non-manufacturing activities.

Construction and demolition waste: Waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

Demolition landfill: A sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes as approved by the division of health services.

Director of environmental services: The county director of environmental services, or his authorized representative.

Disposal: The discharge, deposit, injection, dumping, spilling leaking or placing of any solid waste into or on any land so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Division of health services: The division of health services of the state department of human resources.

Garbage: All putrescible solid wastes, animal and vegetable matter, animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human wastes.

Geographic area: The area which, pursuant to G.S. 130A-294, is designated for the collection, transportation, storage and disposal of solid waste in accordance with an approved solid waste management plan.

Hazardous wastes: Solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Health director: The director of the county health department, or his authorized representative.

Incineration: The process of burning solid, semisolid or gaseous combustible wastes to an inoffensive gas and residue containing little or no combustible material.

Industrial solid waste: Solid wastes generated by industrial processes and manufacturing.

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Infectious waste: Solid waste capable of producing an infectious disease. The types of waste designated as infectious are microbiological waste, pathological waste, blood products and sharps.

Institutional solid waste: Solid waste generated by educational, health care, correctional and other institutional facilities.

Landfill: A disposal facility or part of a disposal facility where waste is placed in or on land which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

Microbiological waste: Cultures and stocks of etiologic agents. The term includes cultures of specimens from medical, pathological, pharmaceutical, research, commercial and industrial laboratories.

Open burning: Any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator or other similar devices.

Pathological waste: Includes human tissues, organs, body parts, secretions and excretions, blood and body fluids that are removed during surgery and autopsies, and the carcasses and body parts of all animals that were exposed to pathogens in research, were used in the production of biologicals or in the in vivo testing of pharmaceuticals, or that died of known or suspected infectious disease.

Person: An individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

Putrescible: Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses.

Radioactive waste: Any waste containing radioactive material as defined in G.S. 104E-5(14).

Recycling: The process by which recovered resources are transformed into new products so that the original products lose their identity.

Refuse: All nonputrescible waste.

Resource recovery: The process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing such solid waste for recycling.

Sanitary landfill: A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted

Sharps: Needles, syringes and scalpel blades.

Sludge: Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.

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Solid waste: Any hazardous or non-hazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

- (1) Fecal waste from fowls and animals other than humans.
- (2) Solid or dissolved material in:
 - (a) Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;

- (b) Irrigation return flows; and,
- (c) Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under the Federal Resource Conservation and waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580), as amended, shall also be a solid waste for the purposes of this article.
- (3) Oils and other liquid hydrocarbons controlled under G.S. chapter 143, article 21A. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580), as amended, shall also be a solid waste for the purposes of this article.
- (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011).
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580), as amended, shall also be a solid waste for the purpose of this article.

Solid waste collector: Any person who collects or transports solid waste by whatever means, including but not limited to, highway, rail and navigable waterway.

Solid waste container: A large metal container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.

Solid waste container site: Any place owned, leased, rented or otherwise operated by the county environmental services department at which refuse, garbage or other solid waste is collected, transported or disposed of.

Solid waste disposal site: Any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

Solid waste generation: The act or process of producing solid waste.

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Solid waste management: Purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.

Solid waste management facility: Land, personnel and equipment used in the management of solid waste.

Storage: The containment of solid waste, either on a temporary basis or for a period of years, in a manner that does not constitute disposal.

Unit of local government: A county, city, town or incorporated village.

Vector: A carrier, usually an arthropod that is capable of transmitting a pathogen from one organism to another.

Cross reference – Definitions and rules of construction generally, § 1-2.

Sec. 14-33. Purpose, statutory authority.

- (a) The purpose of this article is to regulate the generation, storage, collection, transportation, separation, treatment, processing, recycling, recovery, and disposal of solid waste in the county. This article is adopted pursuant to the authority contained in G.S. 153A-121, 153A-132.1, 153A-136 and 130A-294.
- (b) This article shall govern the unincorporated areas of the county and the municipal jurisdictions that have requested to be included within the geographic area designated pursuant to G.S. 130A-294, and which have adopted this article within the municipal corporate limits pursuant to G.S. 153A-122.

Sec. 14-34. Storage and disposal.

- (a) No owner, occupant, tenant or lessee of any property may deposit, store or permit to accumulate any solid wastes upon his/her property that is not stored or disposed of in a manner prescribed by this article.
- (b) The owner, occupant, tenant or lessee of any property shall be responsible for the storage, collection and disposal of solid waste and shall remove or cause to be removed all solid wastes from his/her property on a regular basis. The owner, occupant, tenant or lessee of property shall ensure that his/her waste is disposed of at a site or facility that is permitted to receive the waste.
- (c) Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, water resistant, and easily cleaned, with a close-fitting, fly-resistant cover in place. Solid waste receptacles may also be used for storage provided they meet the requirements of this subsection. The number of containers shall be adequate to store the accumulated garbage. Each container shall be kept clean so that no odor or other nuisance condition exists.
- (d) Refuse shall be stored in a manner that will resist harborage to rodents and vectors and will not create a fire hazard. Regulated refuse under this subsection includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and appliances. Useful materials, such as firewood and building materials, may be stored on the premises, provided they are stored in a safe manner at a reasonable height above ground.

- (e) Materials to be recycled such as cans, bottles, paper, cardboard, metal and rags shall be stored in rodent-resistant, water-resistant containers.

- (f) No owner, occupant, tenant or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky wastes for longer than two weeks.
- (g) No owner, occupant, tenant or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.
- (h) Solid waste shall be disposed of only in one of the following ways:
 - (1) In a sanitary landfill approved by the division of health services.
 - (2) In an incinerator that has all required local, state, and federal air pollution control permits.
 - (3) By any other method, including reclamation and recycling processes that have been approved by the division of health services.
- (i) In addition to the methods listed in subsection (h) of this section, refuse may be disposed of in solid waste receptacles provided by the county in accordance with rules established by the county.
- (j) Construction and demolition wastes may be disposed of at disposal sites approved and permitted by the division of health services, but in no case within 100 feet of any structure.
- (k) Infectious, hazardous and radioactive wastes shall be disposed of according to written procedures approved by the division of health services.
- (l) Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, and when necessary, shall be secured and/or covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the driver and returned to the vehicle or container, and the area properly cleaned.
- (m) All sharps, including needles, syringes and scalpel blades, whether broken or unbroken, shall be placed in a sealed, puncture proof container prior to disposal.
- (n) Open burning of solid waste is prohibited.
- (o) Open dumping of solid waste is prohibited.

Sec. 14-35. Landfill management.

- (a) The county sanitary landfill may be used for the disposal of solid wastes by county residents or nonresident property owners. The landfill shall be open during business hours as established by the Board. In emergency situations, the landfill shall be opened for additional hours as may be directed by the county manager or his authorized representative. Except when open during regular business hours, the landfill shall be kept locked and entry shall not be permitted. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the director of environmental services or his representative.
- (b) The following wastes may not be disposed of in the landfill, or in the county's solid waste containers (greenboxes):
 - (1) Asbestos.
 - (2) Burning or smoldering materials, or any other materials that would create a fire hazard.
 - (3) Hazardous wastes.
 - (4) Infectious wastes.

- (5) Liquid wastes.
- (6) Radioactive wastes.
- (c) The following wastes may be accepted on a conditional basis only:
 - (1) Sludges.
 - (2) Barrels.
 - (3) Sharps.

Conditionally acceptable wastes may be disposed of in the county landfill in accordance with policies promulgated by the director or environmental services and adopted by the Board of Commissioners. Generators of conditionally acceptable waste shall obtain prior approval from the landfill administrator at least three (3) working days before transporting conditionally approved wastes to the landfill.

- (d) Loitering or rummaging about landfills and removing articles therefrom is prohibited. Actions that either make the orderly operation of the landfill difficult or endanger the safety of any person shall not be permitted.
- (e) No person shall deposit material at any point in the landfill except where indicated by authorized employees of the landfill or by official signs.
- (f) Discharging firearms or explosives on landfill property is prohibited.
- (g) The maximum speed limit on the landfill property shall be ten (10) miles per hour.

Sec. 14-36. Solid waste containers (greenboxes).

- (a) Solid waste containers are maintained at sites throughout the county for the convenience of county residents, and nonresident county property owners. Solid wastes may be deposited in the solid waste containers only in accordance with the provisions of this article. Entry into container sites or disposal of solid wastes at container sites, except during authorized business hours, is prohibited.
- (b) All solid wastes intended for disposal in a solid waste container shall be deposited inside the solid waste containers. Each container shall be labeled with a designation of the specific type of waste authorized to be placed within the container, and no person shall deposit in such solid waste containers any garbage, waste, or other matter except that which is specifically designated and authorized by label. No solid waste may be left at the solid waste disposal site outside the containers.
- (c) Commercial, industrial and institutional solid wastes may not be deposited in solid waste containers. Solid waste containers shall be used only by private citizens for disposal of residential solid wastes. Solid waste containers shall not be used by persons engaged in the business of collecting solid waste for disposal.
- (d) No person, unless authorized by the county, may remove any item from a solid waste container, climb on or into a container, or damage any container.
- (e) The County Board of Commissioners has established a fee schedule for the use of solid waste containers, which may be amended by the Board. The fee schedule shall be filed with the clerk to the Board and the Director of Environmental Services, and such fees shall be collected from citizens using the containers. Any person using one of the convenience centers to dispose of any solid waste, which is subject to a collection fee, shall pay the appropriate fee charged and failure to do so shall be punishable as provided in section 42-38(a).
- (f) The disposal of household solid waste in containers within county parks and recreation areas, or at other county facilities, is prohibited.
- (g) Materials not acceptable. No person(s) shall place in a solid waste container:
 - (1) Fire or embers.

- (2) Herbicides.
- (3) Liquids.

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- (4) Pesticides.
- (5) Poisons.
- (6) Chemicals.
- (7) Animals.
- (8) Other materials as designated by the county.

- (a) Fire prevention. It shall be unlawful for any person to set or cause to be set any fire in a solid waste container. No person shall place in a container, embers, ashes or other material that would create a fire hazard.

Sec. 14-37. Authorized disposal of solid waste.

The disposal within the county of solid waste from areas outside the boundaries of the county is prohibited.

Sec. 14-38. Penalties.

- (a) Criminal penalty. Any person violating this article shall be guilty of a violation punishable by a fine not to exceed \$50.00 or imprisonment for not more than thirty (30) days, or both for the first offense. Any second or subsequent offense is punishable by a fine of not more than \$200.00, or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.
- (b) Civil penalty. Any person who is found in violation of this article shall be subject to a civil penalty not to exceed \$500.00, as provided in G.S. 153A-123. The provisions of this article may be enforced by equitable remedy, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with the provisions of G.S. 153A-123.

Secs. 14-39 through 14-60. Reserved.

ARTICLE III. LITTER

Sec. 14-61. Definitions.

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

Authorized private receptacle: A litter storage and collection receptacle as required and authorized by the town refuse and garbage collection system ordinance.

Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter: Garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

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Park: A park, reservation, playground, beach, recreation center, or any other public area in the town, owned or used by the town, devoted to active or passive recreation.

Private premises: Any dwelling, house, building or other structure designated or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily, or continuously uninhabited or vacant and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse: All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

Rubbish: Nonputrescible solid wastes consisting of both combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

Cross reference – Definitions and rules of construction generally, § 1-2.

Sec. 14-62. Unlawful deposits on streets, sidewalks.

No person shall deposit, throw, sweep, dump or place in any manner, or allow to be placed, any glass, tacks, rubbish, garbage or other matter upon any street or sidewalk.

Sec. 14-63. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the town except in public receptacles or in authorized private receptacles for collection.

Sec. 14-64. Placing litter in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

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SOLID WASTE MANAGEMENT

Sec. 14-65. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Sec. 14-66. Merchants' duty to keep sidewalks free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the town shall keep the sidewalk in front of their business premises free of litter.

Sec. 14-67. Throwing litter from vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the town or upon private property.

Cross reference – Traffic and vehicles, Chapter 16.

Sec. 14-68. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

Sec. 14-69. Littering parks.

No person shall throw or deposit litter in any park within the town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place.

Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

Sec. 14-70. Littering lakes, fountains, etc.

No person shall throw or deposit litter in any fountain, pond, lake, bay or any other body of water in a park or elsewhere within the town.

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SOLID WASTE MANAGEMENT

Sec. 14-71. Littering streams.

No person shall place in any natural stream any trash, garbage, or refuse or any industrial, chemical or other waste which in any way impedes or interferes with the natural flow of the stream.

Sec. 14-72. Littering private property.

No person shall throw or deposit litter on any private property within the town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place.

Sec. 14-73. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

Sec. 14-74. Littering vacant lot.

No person shall throw or deposit litter on any open or vacant private property within the town whether owned by such person or not.

Sec. 14-75. Clearing litter from vacant property.

The public works department is hereby authorized and empowered to notify the owner of any open or vacant private property within the town or the agent of such owner to properly dispose of litter located on such owner's property, which is dangerous to public health, safety or welfare. Such notice shall be by

registered or certified mail and addressed to such owner at his last known address, the cost to be charged on the property owner, which will constitute a lien on the property.

CODE OF ORDINANCES

Chapter 15

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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***Cross references** – Buildings and building regulations, Chapter 6; traffic and vehicles, Chapter 16; zoning, Appendix A; subdivisions, Appendix. B.

State law reference – Municipal authority relative to streets and sidewalks, G.S. 160A-296 et seq.

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STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

Sec. 15-1. Driving over sidewalk.

No person shall at any time operate or drive any vehicle, skateboard or bicycle, whether propelled by motor or otherwise, regardless of size or type of construction over or upon any of the sidewalks which are now constructed or which may be hereafter constructed within the town.

Sec. 15-2. Paving generally.

- (a) All new streets proposed for paving within the town limits shall be subgraded and shall also be proof rolled by means of a loaded dump truck with a minimum weight of 25,000 pounds. Stone placed upon the subgrade shall be a minimum of six (6) inches in depth, compacted. The stone shall be proof rolled before placement of the asphalt and crown. The street shall be a minimum of one-fourth (1/4) inch per foot. No asphalt shall be less than one and one-half (1 ½) inch in depth.
- (b) No street having curb and gutter shall have less than one percent grade in the gutter flow line.

Sec. 15-3. Requirements for curbs and gutters.

- (a) At any location where there is curb and guttering and where a culvert is required, the driveway shall be the same level as the top of the curb, at a distance of thirty (30) inches behind the curb, or a variance granted by the department of public works.
- (b) Where there is no curb cut, the driveway, four (4) feet back from the edge of the pavement shall be at a higher elevation than the elevation at the edge of the pavement. This is to prevent flooding of the driveway by keeping water in the street.
- (c) All new proposed streets within town limits or any area controlled by the town shall be subgraded and shall also be proof rolled by means of a loaded dump truck with a minimum weight of 25,000 pounds. Stone placed upon said subgrade shall be a minimum of eight (8) inches of ABC compacted stone. The stone shall be proof rolled before placement of the asphalt and crown. The street shall be a minimum of one-fourth (1/4) inch per foot and no more than one-half (1/2) inch per foot. No asphalt shall be less than two (2) inches of 1-2 asphalt.

Any street having curb and gutter shall have no less than 1.00% grade in the gutter flow line. Where curb and gutter is to be used on streets controlled by the Town of Granite Quarry, it shall be "Valley Curb".

Secs. 15-4 through 15-50. Reserved.

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STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE II. DRIVEWAYS

Sec. 15-51. Construction specifications.

The construction of driveways shall be according to town specifications.

Sec. 15-52. Permit required.

It shall be unlawful for any person to break out any street curb for the purpose of constructing a driveway entrance, or to construct any driveway across the grass plot or sidewalk, without first obtaining a written permit from the public works department.

Sec. 15-53. Supervision of work.

Any and all work performed under the provisions of this article shall be done under the supervision of the public works department.

Sec. 15-54. Paving generally.

All driveway entrances constructed or reconstructed upon the street rights-of-way of the town shall be paved in the manner described in this article.

Sec. 15-55. Proximity to intersections, hydrants, etc.

No driveway entrance shall be permitted to intersect the radius of any street corner or be so located that it interferes with intersection sidewalks (or no closer than twenty-five (25) feet to the intersection of right-of-way line, whichever is greater), traffic signals, lamp standards, fire hydrants or other public improvements unless specific approval is obtained from the public works department and necessary adjustments to public improvements or installations are accomplished without cost to the town, and in accordance with section 15-58(g).

Sec. 15-56. Minimum size of serviced area.

The area to which a driveway provides access shall be sufficiently large to store vehicles using the driveway completely off the right-of-way and shall be of sufficient size to allow the functions related thereto to be carried out completely on the private property.

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 15-57. Side clearance.

All portions of the driveway including the returns shall be between the property lines of the property served, and shall not encroach on adjoining properties. (Rev. 8-7-2006)

Sec. 15-58. Number, width of openings.

- (a) Residential generally. The width of residential driveway entrances shall be limited to twenty (20) feet each as measured along the curblines with not more than two (2) such entrances to the same property. When two entrances are constructed to serve the same residence, there shall be a minimum distance of twenty-five (25) feet of curb allowed to remain between the driveway entrances measured along the curblines.
- (b) Duplex (two-family). The width of a driveway entrance shall be limited to twenty (20) feet each as measured along the curblines when two entrances are made to the same property, provided there shall

be a minimum distance of twenty-five (25) feet of curblin allowed to remain between the driveways. The width of a single driveway entrance to serve a duplex shall be limited to twenty-four (24) feet. There shall be no more than two (2) entrances to the same property.

- (c) Multifamily. When driveway entrances are constructed to serve apartment houses, such entrances may be twenty-four (24) feet in width measured at the curblin with not more than two such entrances to the same property from the same street. When two driveway entrances are constructed, there shall be at least twenty-five (25) feet between driveway entrances measured at the curblin.
- (d) Joint driveways. The width of a joint driveway, as may be authorized by the zoning department, serving two adjacent pieces of property shall be limited to twenty-four (24) feet along the curblin, provided no other means of driveway access is reasonably available and the permit for such driveway is signed by the then owner(s) of the adjacent property. There shall be no more than one (1) joint driveway for each two (2) adjacent pieces of general residential property and no more than two (2) joint driveways for each two (2) adjacent pieces of duplex or multifamily residential property.
- (e) Business. Driveway entrances and exits, either or both, constructed to serve business property shall not exceed thirty-five (35) feet in width and not more than two (2) such curb openings shall be permitted from the same street to serve any business or combined group of businesses such as shopping centers. When two (2) openings are constructed, there shall be a minimum distance of five (5) feet of curb allowed to remain between the driveway entrances.
- (f) Industrial. Curb openings made to provide entrances or exits to industrial plants may be fifty (50) feet in width with not more than one such entrance to the same property; except, that the zoning department may approve, without the concurrence of the Board of Aldermen, a second entrance when it deems such is in the public interest to facilitate ingress and egress to the property. When two (2) or more such industrial driveway entrances are constructed, there shall be a minimum of fifty (50) feet between such entrances as measured at the curblin.
- (g) Corner lots. Property having frontage on two intersecting streets within one hundred (100) feet of the intersection of such streets shall have access only from the minor or less intensively used street except as may be authorized under section 15-69, and in accordance with section 15-55.

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 15-59. Relocation, alteration or driveway approaches-Permit required; limitation.

Existing driveway approaches shall not be relocated, altered or reconstructed without a permit approving such relocation, alteration or reconstruction. Such driveway approaches when so relocated, altered or reconstructed shall be subject to the limitations set forth in sections 15-59 through 15-62.

Sec. 15-60. Same-Replacement of curbs.

When the use of any driveway approach is changed making any portion or all of any driveway approach unnecessary in the opinion of the zoning department, the owner of the abutting property shall, at his own expense, replace all necessary curbs, gutters and sidewalks within sixty (60) days after written notice from the zoning officer.

Sec. 15-61. Same-Reconstruction by abutting property owner.

When an existing building or structure is served by a driveway approach (not conforming to the provisions of this article) which is demolished, repaired or altered, the owner of the abutting property shall, at his/her own expense, reconstruct the driveway approach so as to conform to the provisions of sections 15-59 through 15-62.

Sec. 15-62. Driveway approaches; conformance to town standards.

All work done in the construction of driveway approaches shall conform to town standards for concrete sidewalk and driveway approaches as established in this chapter or by the zoning department. The maintenance department will inspect all such work.

Sec. 15-63. Thickness of pavements.

The thickness of pavement shall not be less than six (6) inches including a top surface of not less than one inch of asphaltic concrete and the stone base.

Sec. 15-64. Replacement of existing sidewalks.

When any driveway entrance is constructed or reconstructed, any existing four (4) inch sidewalk shall be replaced with concrete specifications of 3,000 PSI or of not less than six (6) inches in thickness where the driveway crosses the sidewalk. The pedestrian walk shall be indicated by false cracks or lines in the pavement. The newly constructed section of sidewalk shall be at an elevation or grade approved by the maintenance department.

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 15-65. Materials for construction of residential driveways.

Paving materials used shall be of cement with specifications of 3,000 PSI or asphaltic concrete with a thickness of at least six (6) inches.

Sec. 15-66. Property owner's responsibility for maintenance and repairs.

Responsibility for maintenance and repairs to new and existing driveway entrances or exits shall rest with the property owner. Upon receipt of a notice to repair damaged pavement, the property owner shall make the necessary repairs within sixty (60) days in accordance with the requirements set forth in this article. If the required repairs and/or maintenance are not completed within the time specified, the maintenance department will complete the necessary repairs and/or maintenance and the owner will be responsible for reimbursing the town. Failure to do so within the specified time will result in a lien being placed upon the property.

Sec. 15-67. Driveways from state highway streets.

Where the property is to be served by a driveway opening into a state highway street, a permit as required by the State Highway Commission Manual on Driveway Entrance Regulations shall be first submitted to the planning department for its review and approval. The requirements of this article or those of the Manual on Driveway Entrance Regulations, whichever is greater, shall be the minimum standards for development.

Sec. 15-68. Responsibility for damages; use of barricades, lights.

The property owner shall be responsible for removing all debris and surplus materials upon completion of the work and shall maintain the premises in a safe manner, providing adequate barricades and lights at his/her own expense to protect the safety of the public using adjacent street or sidewalks and shall hold the town free and harmless from all damages for any liability incurred.

Sec. 15-69. Variances.

The zoning board of adjustments may grant variance from the standards of this article.

Sec. 15-70. Rescinding of permit.

The Board of Aldermen shall have the authority to rescind by resolution any permit granted for a driveway when the Board finds such action to be necessary to abate a potentially hazardous situation, and that such action would be in the public welfare.

Secs. 15-71 through 15-85. Reserved.

ARTICLE III. PROPERTY NUMBERING SYSTEM

Sec. 15-86. Official map.

The property number map entitled "Property Numbering System, dated January, 1970, Granite Quarry, N.C.", is hereby adopted as the official property numbering map, and no property numbers shall be used or displayed in the town except numbers assigned in accordance with the official number map.

Sec. 15-87. Axis; numbering generally.

On the property numbering map, Main Street is hereby designated as the north-south axis and Bank Street is hereby designated as the east-west axis. All avenues, streets and alleys running generally north and south shall be numbered from the east-west axis consecutively to the corporate limits extremity of such avenue, alley or street. Avenues, streets or alleys running generally east and west shall be numbered from the north-south axis in the same manner as those running north and south. Wherever possible, one hundred (100) numbers shall be allowed to each block so that the numbers of each consecutive block shall commence with consecutive hundreds and one.

Sec. 15-88. Assignment of numbers.

- (a) One whole number shall be assigned for every fifty (50) feet of ground, whether improved property or vacant lot, on every street within the corporate limits, excluding the business district, in which case one whole number shall be assigned for twenty five (25) feet, whether improved property or vacant lot.
- (b) Odd numbers shall be assigned to the left side of the street and even numbers to the right side going from the axis street toward the corporate limits of the town.

Sec. 15-89. Buildings erected in future.

All residence and business buildings erected after February 5, 1970, shall be assigned a number in accordance with the property numbering map.

Sec. 15-90. Purchase, display of numbers.

Every property owner of improved property shall purchase and display in a conspicuous place on the property the number assigned the property.

Sec. 15-91. Alteration, defacement, etc., of numbers.

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this article, except for repair or replacement of such number.

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Secs. 15-92 through 15-100. Reserved.

ARTICLE IV. PARKS AND RECREATION

Sec. 15-101. Definitions.

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

Department: The town maintenance department.

Footpath or trail: Any path or trail maintained for pedestrians.

Pedestrian: A person afoot.

Permit: Any written license issued by or under the authority of the department, permitting the performance of a specified act.

Regulation: Any regulation duly adopted by the Town Board of Aldermen and posted as a town parks and recreation department regulation.

Vehicle: Any conveyance, except baby carriages, including motor vehicles, trailers of all types, campers, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power. Also, any horse or horse-drawn conveyance, but excluding non-motorized bicycles or tricycles.

Sec. 15-102. Fees.

Fees for the use of the park will be as set by the Town Board of Aldermen's resolution.

Sec. 15-103. Enforcement of Article.

- (a) In addition to any other penalties provided by law, enforcement of this article is punishable by immediate suspension from the park.
- (b) Each person receiving a citation may within fifteen (15) days of its issuance pay, as a penalty in full satisfaction of such violation, the sum set forth in this article. Each person receiving a citation may file a written appeal to the Town Board of Aldermen and waive payment of said citation until after the appeal is heard and judgment rendered.

Sec. 15-104. Penalty for violation of article; fines.

Violations of this article concerning parking shall be infractions considered to be civil fines punishable in accordance with the following fine schedule:

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

<u>VIOLATION</u>	<u>FINE</u>
(1) Municipal violations	\$ 50.00 or as per the ordinance
(2) Handicapped Parking	\$100.00
(3) Parking in a Fire Lane	\$ 50.00
(4) All other parking violations (to include parking within a tow-away zone, no parking zones, parking on sidewalk, parking within 15 ft. of a fire hydrant, parking more than 12" from curb, etc.).	\$ 10.00

Sec. 15-105. Park preservation.

It shall be unlawful for any person to:

- (1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property of appurtenances whatsoever, either real or personal.
- (2) Fail to cooperate in maintaining restrooms and kitchen in a neat and sanitary condition.
- (3) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, except as authorized by the Town of Granite Quarry.
- (4) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty of usefulness of any area, except as authorized by the Town of Granite Quarry.
- (5) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, except on special written permit issued pursuant to this article.
- (6) Throw, discharge, or otherwise place or cause to be placed in the lake, waters of any fountains, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of waters.
- (7) All refuse and rubbish must be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- (8) Attach or place any sign, banner, wire, rope or cable, or any other contrivance to any building, sign, tree or other park property by use of nails or staples. These items may be attached with tape or thumbtacks and must be removed before leaving the area.
- (9) Bring any animals except for a dog that is kept under restraint. Said animal must be cleaned up after.
- (10) Rollerblading or skateboarding is prohibited.

(11) Fish unless sponsored as a Town event.

Sec. 15-106. Firearms; explosives; alcoholic beverages; drugs; dangerous substances.

It shall be unlawful for any person to bring into or have in his possession:

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STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

- (1) Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow, paint ball guns, or any other weapon in which the propelling force is gunpowder, spring or air, or any explosive of any kind. Upon entering the park any of the weapons enumerated in this subsection, which a person possesses, must be made inoperative and placed in an enclosed area that is not readily accessible.
- (2) Any alcoholic beverage or any narcotic drug, hallucinogen, or any other controlled substance without a valid physician's prescription. While in the park, a person should conduct him or herself in a proper and orderly manner and further shall not display, consume, or be under the influence of alcoholic beverages or any narcotic drug, hallucinogen, or any other controlled substance without a valid physician's prescription.
- (3) Any fireworks or explosive of any kind or nature.

Sec. 15-107. Camping; fires; picnic areas.

It shall be unlawful to:

- (1) Camp, park a car, trailer, or camper for the purpose of camping or stay overnight anywhere within the park.
- (2) Kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, vehicle, or under by tree or in underbrush.

Sec. 15-108. Hour of operation.

It shall be unlawful for any person to enter or remain in the park except during those hours of operation that it is open to the general public. Any person found in the park at a time other than the hours of operation may be subject to a trespassing violation.

Sec. 15-109. Vehicles and parking.

It shall be unlawful for any person to:

- (1) Drive any vehicle or bicycle on any area except in designated areas.
- (2) Park a vehicle anywhere except on a designated parking area unless otherwise permitted.

- (3) Leave a vehicle standing or parked in established parking area or elsewhere in the park and recreation areas during hours when the park and recreation area is closed.
- (4) Ride a bicycle without reasonable regard to the safety of others.
- (5) Leave a bicycle laying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by it.
- (6) Operate a motorized trail bike or any other vehicle designed primarily for off-road use within the confines of the park.
- (7) Park a vehicle in a towing area, such as a handicapped-parking area, on the grass, or on the shoulder of a road. Any vehicle so parked may be towed at the owner's expense. The decision to tow a vehicle shall be made by the patrol officer on duty.

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STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Sec. 15-110. Personal conduct.

It shall be unlawful for any person to:

- (1) Engage in criminal or disorderly conduct of any kind within the park.
- (2) Engage in any activity that may constitute a hazard to the safety of him/herself or other person, except when conducted within reasonable safety guidelines in specific areas designated by park management for such activity.
- (3) Engage in threatening, offensive, or vulgar language or in excessively noisy conduct of any kind at any time within the park such that it unreasonably disturbs other park patrons or neighbors. The police officer on duty is empowered to determine whether noise is excessive or unreasonable disturbing.
- (4) Throw rocks or objects of any kind. This does not include balls or games used in athletic events when used in a reasonable manner and in such a way that they do not become hazards to the park patrons.
- (5) Solicit, peddle or beg within any recreation facility or sell any merchandise or wares without obtaining a permit from the Town.
- (6) Interfere with or in any manner hinder any employee of the park in the performance of his/her duties.

Sec. 15-111. General responsibility for all recreation organizations.

- (1) All persons shall be offered the opportunity to use the park in all organizations and their programs regardless of race, color, natural origin, religion, handicap, or any non-merit factors.
- (2) The organization shall have exclusive rights to operate concession stand facilities on the designated site for the program period. The organization is responsible to comply with the Rowan County Health Department regulations and all applicable laws and ordinances. The playing area, concession area, parking area, and immediate playing areas must be free of debris after all practices and game sessions.
- (3) Alcohol or drug use is prohibited by any of the programs. Anyone under the influence of alcohol and/or illegal drugs before, during, or after a scheduled program will be suspended from all facilities.

- (4) All practices, games, and other related activities must be under adult supervision. These supervisors must be provided by the athletic organization, be listed on the official team roster, and be at least eighteen (18) years of age.
- (5) The organization will carry liability insurance at their own expense and agrees to hold harmless and indemnify the Town of Granite Quarry from and against all claims, losses, damages, injuries, causes of action, lawsuits, expenses, and liability arising from or arising out of the organization's failure to comply with the responsibilities and stipulations stated herein.

Secs. 15-112 through 15-120. Reserved.

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STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE V. TREES AND SHRUBS ON PUBLIC PROPERTY

Sec. 15-121. Purpose.

This chapter regulates the planting, maintenance, protection and removal of trees and shrubs on public streets, parks and other town owned property; provides for a Shade Tree Advisory Committee; and establishes the office of a Town Forester in the Department of Maintenance. This chapter also provides for the issuing of permits for the planting, maintenance, protection and removal of trees and shrubs in town owned places.

Sec. 15-122. Title.

This chapter shall be known and may be cited as the "Town Tree Ordinance".

Sec. 15-123. Definitions.

The following terms shall have the meanings provided in this section unless their context indicates a different meaning:

Caliper: The diameter in inches of the tree trunk twelve (12) inches above the base of the tree.

Town Agency: Any department, board, commission, committee or other entity within the government of the Town of Granite Quarry.

DBH (Diameter at Breast Height): The diameter of tree trunks at a height of four (4) feet six (6) inches from the finished grade at the base of the tree.

Person: Any corporation, firm, partnership, association, trust, estate, one (1) or more individuals and any unit of government or agency or subdivision thereof, except for a town agency.

Trees and Shrubs: Any woody plants that have self-supporting, aboveground parts that are viable year round.

Sec. 15-124. Town Forester.

The office of the Town Forester shall be held by the Department of Maintenance.

- The Town Forester, in consultation with the Shade Tree Advisory Committee (STAC) shall have the authority to implement and enforce the provisions of this chapter.
- In furtherance of the purposes of this chapter, the Shade Tree Advisory Committee, in consultation with the Town Forester shall have the authority to adopt rules and regulations regarding arboricultural specifications and standards of practice and such additional rules and regulations as the Board determines are necessary. These regulations shall govern the planting, maintenance, removal, fertilization, pruning, and protection of trees and shrubs on public streets, parks, or other town property.
- In the absence of the Town Forester, the duties of that office shall be the responsibility of the Supervisor of Parks and Forestry within the Department of Maintenance.

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Cross reference – Parks and recreation – See Chapter 15, Article IV., Site development plan review – See Chapter 'Appendix' A, Article VI, Sec. 14. Subdivision of land – See Chapter 'Appendix' B, Article IV.

Sec. 15-125. Planting, maintenance and removal regulations.

- (a) No person or town agency shall plant, spray, fertilize, prune, remove, replace or otherwise disturb any tree or shrub on any public street, park or other town owned property without first submitting a written request therefore and obtaining written permission from the Town Forester. Requests for written permission shall be acted on within five (5) business days of filing the written request with the Town Forester. All work for which such permission is given shall be done in accordance with this ordinance.
- (b) Persons or town agencies conducting regular maintenance work on trees or shrubs may be granted general permits to cover their work on a yearly basis.
- (c) Except as provided in Subsection D, whenever a person or town agency obtains written permission pursuant to Subsection A of this section to remove a tree or shrub from any town owned land for the purpose of construction or for any other reason, such person or agency shall subsequently replace the tree or shrub within one (1) year of the issuance of the tree-removal permit in a location to be determined by the Town Forester somewhere in the city or have the city replace such tree or

shrub at the expense of the person who obtained such permission. Such replacement shall meet the standards of size, species and placement as provided for in the tree removal permit issued by the Town Forester. Unless the Town Forester, for good cause, determines otherwise, trees shall be replaced by the caliper inch, such that for every inch of diameter (DBH) removed, an equal number of caliper inches shall be

replaced (e.g. the removal of one (1) twelve (12) inch DBH tree shall necessitate the planting of six (6) two (2) inch caliper trees of four (4) three (3) inch caliper trees, etc.).

- (d) It is the responsibility of the Town Forester to determine if trees or shrubs on town owned property are hazardous and to remove dead or hazardous trees or shrubs from town owned property. If replacement is recommended by the Town Forester, the town shall replace the tree or shrub within one (1) year of removal.
- (e) Wherever it is necessary to remove a tree or shrub from a public right-of-way in connection with the paving of a sidewalk or the paving or widening of a street, the town or responsible agency or person shall replant such tree or shrub or replace it. If conditions prevent planting in the right-of-way, this requirement may be satisfied by planting on the adjoining property if the property owner agrees.
- (f) Requests from private citizens that new street trees be planted near their property shall be accommodated in accordance with planting priorities set by the Town Forester in consultation with the STAC.
- (g) Specifications governing tree species, size, spacing and method and location of planting, shall be approved by the Town Forester. Inspection of the trees by the Town Forester shall be carried out, whenever possible, prior to planting in order to ensure tree health and quality. Whenever any person is required to replace a tree pursuant to this chapter, a one-year guaranty of the tree's health shall be provided for such replacement trees.
- (h) Excavation within the street right-of-way for the purpose of compliance with this section shall not be undertaken without approval from the Town Board of Aldermen.

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Sec. 15-126. Damage prohibited.

Unless specifically authorized in writing by the Town Forester, no person or town agency shall intentionally damage, cut, carve, transplant or remove any tree or shrub on town owned property; attach any rope, wire, nails, advertising posters or other contrivance to any such tree or shrub; allow any gas, liquid or solid substance which is harmful to any such tree or shrub to come in contact with it; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any tree or shrub on city property. Written authorization for any action governed by this section may be obtained in the same manner as provided in Sec.125 of this chapter.

Sec. 15-127. Protection.

- (a) Without written permission from the Town Forester, no person or town agency shall:

- (1) Undertake any construction or development activity (including but not limited to the excavation of any ditches, tunnels, or trenches or the laying of pavement) within the drip-line of any city tree or shrub.
- (2) Move or park vehicles associated with any construction or development activity, which may affect any tree or shrub on town property.
- (b) Guarding during construction or excavation:
 - (1) Unless the Town Forester, for good cause, determines otherwise, all trees or shrubs on any public street or other town owned property directly impinging on any excavation or construction of any building, structure or street work shall be guarded as follows: (a) for trees or shrubs with a crown spread of eight (8) feet or less, a substantial fence, frame or box not less than four (4) feet high and eight (8) feet square shall surround the tree or shrub; (b) For a tree or shrub with a crown spread over eight (8) feet, a fence not less than four (4) feet high shall be placed at the tree or shrub's drip-line or at a distance prescribed by the Town Forester.
 - (2) All building material, soil or debris shall be kept outside these barriers.
- (c) No person or city agency shall deposit, place, store or maintain upon any public place of the town any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots on any tree or shrub growing thereon, except by written permit of the Town Forester.
- (d) Any written permission required by this section may be obtained in the same manner as provided for in §125.

Sec. 15-128. Obstruction of streets.

- (a) It shall be the duty of any person owning real property bordering on a public street to ensure that trees and shrubs on that property are pruned in a manner that will not obstruct or shade streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or obstruct the view of any street or alley intersection. If trees are interfering with utility wires, it is the obligation of the appropriate utility company to correct the situation.
- (b) Should any person owning real property bordering on any public street fail to comply as hereinabove provided, the Town Forester shall order the owner to take corrective action within fifteen (15) days after receipt of written notice. The order required herein shall be served by mailing a copy of it to the last know address of the property owner.

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- (c) When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the town to prune such trees or shrubs or to pay for such pruning, and the cost thereof shall be assessed to the owner.

Sec. 15-129. Coordination of review.

When plantings are to be done on projects that also require site development plan review Appendix A, Article VI, the Town Forester and the Zoning Administrator shall coordinate review of the proposed planting plan.

Sec. 15-130. Emergency work.

- (a) This chapter shall not govern any emergency activity immediately necessary to protect life, safety or property or to maintain access to any property. Any such activity shall incorporate reasonable efforts to protect trees and shrubs on town property from unnecessary damage.
- (b) Any person or town agency engaged in any action covered by Subsection A shall make a reasonable effort to notify the Town Forester prior to commencing that action and shall, in any event, provide written notice of the emergency and the work done to the Town Forester within three (3) calendar days of commencing that work.

Sec. 15-131. Appeals.

Should a dispute arise in the administering of this chapter, an appeal can be requested by petitioning, in writing, the Town Forester. The Town Forester will have five (5) working days to reply in writing. Should this provide an unsatisfactory resolution, a second appeal can be requested by petitioning the STAC. In such event, the STAC shall consult with the Town Forester. The STAC will have ten (10) working days from the filing of the second appeal to reply in writing. Should this also provide an unsatisfactory resolution, a third appeal can be requested by petitioning the Town Board of Aldermen. The Town Board of Aldermen will act upon the petition within thirty (30) days from the date of receiving the petition.

Sec. 15-132. Penalties for offenses.

Any person who violates or fails to comply with any part of this ordinance may be fined two hundred fifty dollars (\$250) plus the cost of rectifying damage to any tree or shrub on town owned property.