

CODE OF GENERAL ORDINANCES

TOWN OF BAKERSVILLE, NORTH CAROLINA

That all of the following chapters, sub-chapters, articles, sections, sub-sections and paragraphs, shall be hereby duly made, ratified, and adopted as the "Code of Ordinances of the Town of Bakersville, North Carolina."

And all ordinances, other than franchises, specific contracts or ordinances issuing, approving or ratifying or concerning the floating, issuing or sale of bonds for various municipal purposes, ordinances relating to the extension of corporate limits, revenue ordinances or ordinances establishing permanent street improvement districts, or concerning the extension, grade, widening, laying out, naming and/or establishing of new streets or ordinances concerning bridges, or condemnation proceedings, that are in conflict or not in conformity herewith, are amended so as to conform thereto; what is known as the Annual Revenue Ordinance is repealed by anything contained in this Code; ordinances of a contractual nature now in effect, unless in conflict with, or contrary to, provisions of this Code are not hereby repealed or altered; and ordinances allowing, permitting, approving or confirming sales of lands or conveyance of land by or the Town are not hereby altered, amended, or repealed; nor shall any contract with the Government of the United States or any agencies there to be construed to be altered, amended, or repealed; nor shall any contract or agreement with the Health Department of the County of Mitchell, or any of the various departments thereof, including agreements as to use of tax assessment books, or the levying, or assessing of said tax be construed to be altered, amended or repealed; but all other ordinances of a penal nature if not included in this said Code are hereby repealed. Provided, however, that nothing herein contained shall be construed to extend the time in or for which any franchises, contracts, or privilege was granted by the Town, nor to enlarge any rights given or granted in any franchises, contracts or privileges granted, or made by the Town nor annul or abridge any right of privilege heretofore given, or granted to the Town.

And it is also ordained that this Code may be referred to as the "Code of the Town of Bakersville, North Carolina, 1990." And in all judicial proceedings it shall be sufficient to plead any ordinance or section of Code by the caption or by the number of the section thereof; and it shall not be necessary to plead the entire ordinance or section, and a copy of said Code, when introduced in any of the courts of the State, shall be taken as prima facie evidence of the existence of any ordinance contained therein. If any person shall violate any ordinance of the Town of Bakersville except as provided in following subsection A, he shall be guilty of a misdemeanor and shall be fined not more than fifty (\$50.00) or imprisoned for not more than thirty (30) days. (a) If any person shall violate an ordinance of the Town of Bakersville regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00). This is in accordance with G.S. 14-4 as amended.

Ratified, approved, duly passed and adopted in a regular meeting, duly assembled, and in full force and effective this, the _____ day of _____, 2021.

Kelli Beam
Town Clerk

Charles E Vines
Mayor

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CHAPTER 1 - GENERAL ADMINISTRATION

ARTICLE I – ADMINISTRATION

Section 1. **Regular Meetings.** The regular meetings of the Mayor and Town Council of the Town of Bakersville shall be held monthly as designated by the Council.

Section 2. **Special meetings.** Special meetings of the Council may be held, after a twenty-four-hour notice, upon the call of the Mayor or upon the request of any two Town Council members. Notice of the time and purposes of said special meetings shall be posted at the Town Hall, and due notice shall be given to the Mayor and Town Council of the time and purpose of such meetings.

Section 3. **Quorum.** A majority of the members of the Town Council shall constitute a quorum and no official business of the Town shall be transacted by the Council unless a quorum is present.

Section 4. **Minutes.** It shall be the duty of the clerk to be present at all meetings of the said Town Council, to keep a record of all the proceedings of the Council.

Section 5. **Mayor to Preside.** The Mayor shall preside at all meetings of the Council and in his absence the Mayor Pro Tempore shall preside.

Section 6. **Mayor not to Vote.** The Mayor shall not vote on any question before the Council except in the case of a tie vote dead-locking a decision of the Town Council.

Section 7. **Committees.** The Mayor and Town Council may create such committees for special purposes as they deem best.

ARTICLE II—ORDINANCES

Section 1. **Effective Date.** All ordinances shall be effective after ratification thereof except ordinances specifying some other effective date or ordinances required by state law to be effective date or ordinances required by state law to be effective only after having met specific date requirements.

Section 2. **Ordinances Confined to One Subject.** All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to the subject of appropriation only.

Section 3. **Official Copy.** A true copy of an ordinance, which has been duly enacted by the Council, signed by the Mayor, and attested by the Clerk, shall be known as an official copy of any ordinance for the Town. All Ordinances or true copy thereof shall be inserted in this code in the proper chapter.

Section 4. **Ordinances Appropriating Money.** No appropriation ordinance or an ordinance to alter or repeal an appropriation ordinance shall be enacted at any meeting other than a regular meeting except by a unanimous vote of the entire Council.

ARTICLE III - OFFICERS AND EMPLOYEES

Section 1. **Office of Mayor.** It shall be the duty of the Mayor to cause all ordinances of the Town to be enforced, to attend, and preside over all meetings of the Council. It shall further be the duty of the Mayor to within thirty days after the close of each year to require a report be given to the Town Council from the various departments of the town government for the previous year and recommend such adjustments as he/she may see fit, and the Mayor shall perform such other duties as the Council may from time to time require. The Mayor shall be the Chief Executive officer of the Town.

Section 2. **Office of Clerk- Treasurer.** The Clerk/Treasurer shall be appointed by the Council at the December meeting following an election.

- a) The Clerk/Treasurer shall attend all meetings of the Town Council and shall regularly and fairly record all of their proceedings to be kept by him/her for that purpose. He/she shall also keep a digital record of the "Code of Ordinances," in which he/she shall fairly and correctly transcribe all ordinances which are enacted by the Town Council.
- b) It shall be the duty of the Clerk to keep true, accurate and just books of the accounts of the dealings and transactions of the Town, which shall show at all times the true condition of the said Town, its resources and liabilities, and the disposition and use of the monies coming under the control of the Town.
- c) The Clerk-Treasurer shall keep or cause to be kept in a safe place all monies, records, and accounts, digitally protected by passwords.
- d) The Clerk-Treasurer shall disburse fund for the various purposes of the Town only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the Town Council.
- e) The Clerk-Treasurer shall perform such other duties as the Council may from time to time require.
- f) The Clerk-Treasurer shall also be the Town Purchasing Agent.

Section 3. **Other Officers and Employees.** Such other officers and employees that are deemed necessary shall be appointed by the Council at the December meeting following an election. All officers and employees shall serve at the pleasure of the Council and receive such compensation as from time to time may be prescribed by the Council.

Section 4. **Employee's Bonds.** The Clerk/Treasurer and other officers or employees required by the Council shall before entering upon their duties, post bond in amounts specified by the Council. All bond premiums shall be paid from the Town funds. Provided that when two officers are combined such as Clerk and Treasurer, only one bond shall be required

TOWN OF BAKERSVILLE

CODE OF CONDUCT FOR OFFICERS, EMPLOYEES OR AGENTS

BE IT ORDAINED by the Town Council for the Town of Bakersville:

Section 1. No employee, officer, or agent of the Town of Bakersville shall knowingly solicit or accept any form of gratuity from any person, firm, or organization whereby such gratuity shall in any way persuade, or affect the outcome of the award of any contract of which any part is supported by federal funds.

Section 2. No employee, officer, or agent of the Town of Bakersville shall participate in the selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when the employees, officer or agent, member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the individuals has a financial or other interest in the firm selected for award.

Section 3. No employee, officer or agent of the Town of Bakersville shall solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreement.

Section 4. If any employee, officer or agent shall knowingly violate any of the provisions of this ordinance. Such employee, officer or agent will be subject to such disciplinary measures as may be deemed appropriate by the Town Council including, but not limited to, suspension without pay, demotion, or dismissal.

Section 5. If any contractor or his agent violates any provision of this ordinance, such violation will be constitute grounds for action deemed appropriate by the Town Council including but not limited to, withdrawal from consideration of any proposal or bid submitted by such contractor, withdrawal of award, or rescission of contract.

If any part of this ordinance shall be found to be in conflict with any federal or State of North Carolina law, then that portion of the ordinance can be amended to comply with the federal or state law without affecting the validity of the other portions.

Duly Adopted this ____ day of _____, 2021.

Mayor

Attest:

Town Clerk

ARTICLE IV - FINANCE PURCHASING

Section 1. **Disbursement of funds.** No money shall be disbursed from the Town treasury except on order of the Council in session and then only if the item for which the disbursement is made has been provided for the annual budget except in the case of seen necessity by Council, or extreme emergency.

Section 2. **Purchasing.**

- a) Before any order is given for items to be paid by the Town or any purchase made by any town employee, a purchasing order must first be obtained from the Town Purchasing Agent.
- b) Any town employee purchasing goods without a purchase order from the Town Purchasing Agent will be held responsible for the cost of same.

CHAPTER 2 - POLICE

ARTICLE I

Section 1. **Organization.** The police department of the Town shall consist of a chief and as many policemen as the Council shall from time to time determine and elect and as many special policemen as the Mayor and Council may deem necessary to appoint for special purposes.

Section 2. **Council to Have Control.** The Town Council shall have general supervision over the police department. The Council may suspend, for cause, any member of the police department until the next regular meeting at which time final disposition shall be made.

Section 3. **Uniforms.** All police officers shall wear uniforms as shall be provided by the Town and shall keep such uniforms in a neat and clean condition and shall surrender all uniforms and equipment upon leaving the police service of the Town if such uniforms and equipment were furnished by the Town.

Section 4. **Duties of Police.** The Police Department shall carry out all orders of the Council, enforce all laws and ordinances of the Town and the State of North Carolina, and shall at all times preserve the peace, protect the property and the safety of the citizens of Bakersville.

Section 5. **Chief of Police.** The chief shall have control over the police department under the supervision of the Council. The chief shall keep the Council informed of the department's activities and make such reports that the Council may from time to time require, and he shall perform such other duties as may be required of him by the Council.

ARTICLE II

Section 1. **Mutual assistance between Law Enforcement Agencies.**

- a) The Chief of Police of Bakersville, North Carolina, is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.

The Chief of Police is hereby authorized to permit officers of Bakersville Police Department to work temporarily with officers of the requesting agencies including in an undercover capacity and may lend equipment and supplies.

- b) While working with the requesting agency, Bakersville Police Officers shall have the same jurisdiction, powers, rights, privileges and immunities as an officer of the requesting agency.
- c) While working with the Bakersville Police Department pursuant to a written request, an officer of the responding agency shall have the same jurisdiction, powers, rights, privileges and immunities of as a Bakersville Police Officers.
- d) The Chief of Police is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and condition as may be agreed upon between the respective heads of the law enforcement agencies.

Section 2. **Authorization of police officers as agents of property owners.**

- a) That the present and future members of the Bakersville Police Department (including Auxiliary Police Officers), be and they are hereby authorized to act as agents for property owners and tenants to enforce regulations against trespassing on private property located within the corporate limits of the Town of Bakersville, upon specific request by such property owners or tenants, in accordance with the terms of the agency agreement. Chapter D Section 9.

CHAPTER 3 - TRAFFIC

ARTICLE I – DEFINITION OF WORDS AND PHRASES

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

- a) **Authorized Emergency Vehicles.** Vehicles of the Fire Department, police vehicles and such ambulances designated or authorized by the Chief of Police.
- b) **Business District.** Any and all businesses located within the town limits of Bakersville shall be considered a part of the Business District.
- c) **Crosswalk.** That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- d) **Driver.** Every person who drives or is in actual physical control of a vehicle.
- e) **Intersection.** The area embraced within the prolongation of the lateral curb lines or if not, then the lateral boundary lines of two or more highways which join one another at an angle whether or not one such highway crosses the other.
- f) **Motor Vehicles.** Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include mopeds or electric assisted bicycles.

- g) **Official Time Standard.** Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this Town.
- h) **Official Traffic Control Devices.** All signs, signals, markings, and devices not inconsistent with this Ordinance placed or erected by authority of the governing body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- i) **Official Traffic Signals.** Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- j) **Park.** The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
- k) **Pedestrian.** Any person afoot.
- l) **Person.** Every natural person, firm, co-partnership, association, or corporation.
- m) **Police Officer.** Every officer of the municipal police department of any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.
- n) **Private Road or Driveway.** Every road or driveway not open to the use of the public for purposes of vehicular travel.
- o) **Pubic Conveyance.** Any vehicle other than a taxicab or railroad train for transporting for fare.
- p) **Residence District.** The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.
- q) **Right of Way.** The privilege of the immediate use of the roadway.
- r) **Roadway.** That portion of a street improved, designed, or ordinarily used for vehicular travel.
- s) **Safety Zone.** The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- t) **Sidewalk.** That portion of a street between the curb lines, or lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- u) **Standing.** Any stopping of a vehicle, whether occupied or not.
- v) **Stop.** When required, means complete cessation of movement.
- w) **Stop or Stopping.** When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

- x) **Street or Highway.** The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purpose of vehicular traffic.
- y) **Traffic.** Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for the purpose of travel.
- z) **Vehicles.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purpose of this Ordinance, a bicycle or ridden animal shall be deemed a vehicle.

ARTICLE II - REQUIRED OBEDIENCE TO TRAFFIC REGULATIONS AND POLICE OFFICERS

Section 1. **Required Obedience to Traffic Ordinance.** It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required, in this Chapter.

Section 2. **Obedience to Police.** No person shall willfully fail, or refuse to comply with any lawful order, or direction, by a police officer.

Section 3. **Authority of Police in Special Cases.** In the event of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this Chapter.

Section 4. **Public Employees to Obey Traffic Regulations.** The provisions of this ordinance shall apply to the driver of any vehicle owned by, or used in the service of, the United States Government, this State, County or Town and it shall be lawful for any said driver to violate any of the provisions of this Ordinance, except as otherwise permitted in this Ordinance, or by State Statute.

Section 5. **Exemptions of Authorized Emergency Vehicles.** The provisions of this Ordinance regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this Ordinance, except as follows:

- a) A driver when operating such vehicle in any emergency, except when otherwise directed by a police officer, may park or stand, notwithstanding the provisions of this Ordinance.
- b) Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation
- c) Exceed the prima facie speed limits so long as he does not endanger life or property.
- d) Disregard regulations governing direction of movements, or turning, in specified directions so long as he does not endanger life or property.
 - (a) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of safety of others.

ARTICLE III - OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES

Section 1. **Obedience to Official Traffic Control Devices.**

- a) The driver of any vehicle shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the traffic ordinances of this Town, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle, in Article II, Section 5, of this Chapter.
- b) No provision of this Chapter for which signs are required, shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without being placed to give notice thereof.

Section 2. **Obedience to No Turn Signs and Turning Markers.** Whenever authorized signs are placed, erected, or installed indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles, traversing, or turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 3. **Obedience to No-Parking Zone and Safety Zone Markers.** Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith.

Section 4. **Flashing Signals.** Whenever flashing red or yellow or blue signals are used they shall require obedience by vehicular traffic as follows:

- a) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- b) Flashing blue signal (Police signal). When a blue lens is illuminated by rapid intermittent flashes, all traffic shall yield right of way to such a signal.
- c) Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

Section 5. **Speed-Limit.** A vehicle may be operated when signs are placed, erected, or installed thereof giving notice of speed limit upon any streets described in Chapter C - Schedule 1 attached hereto and made a part of this Article.

Section 6. **Driving on Roadway Lane for Traffic.** All vehicles operated on any roadway which has been clearly marked with lanes for traffic, shall be driven as nearly as practical entirely within a single lane and shall not be moved from such land until the driver has first ascertained that such movement can be made with safety.

Section 7 **Driving over Fire Hose.** No vehicle shall be driven over any hose of the fire department when laid down on any street, or driveway, to be used at any fire, without the consent of the fire department official in command.

Section 8. **No Thru Trucks.** It shall be unlawful to operate any truck weighting 10,000 pounds and over two axles on the following streets or portion thereof:

- a) Hemlock Drive — From NC 226 along Hemlock Drive to N. Mitchell Avenue (RP 1211)
- b) Maple Street — From NC 226 along Maple Street to N. Mitchell Avenue (RP 1211)

Section 9. **One Way Traffic.** It shall be unlawful to operate a motor vehicle on a street or highway, designated for one-way traffic, while traveling in the opposite direction as the appropriate signs giving notice so indicated by said signs as to the direction of travel.

- a) Pine Drive - Beginning at NC 261 and thence along Pine Drive for a distance of .4 mi. to its junction with North Mitchell Ave.
- b) Baker Lane - Beginning at South Mitchell Ave. and thence along Baker Lane for a distance of .2 mi. ending at Ridge View Drive

Schedule 1
(Relative to Chapter 3, Article 3, Section 5)

SPEED LIMIT - 15 MILE PER HOUR

It shall be unlawful to operate a motor vehicle in excess of 15 miles per hour on the following streets or portion thereof:

- | | |
|------------------|--|
| Azalea St.- | Beginning at its junction with Laurel Street and for a distance of .05 mile to the County Property Boundary. |
| Buchanan Drive- | Beginning at its junction with N.C. 226 and along N.C. 226 and along Buchanan Drive for a distance of .05 mile. |
| Dawn Court- | Beginning at its junction with junction with Richmond Road and thence northwest for a distance of .2 miles. |
| Henline Lane- | Beginning at its junction with Cane Creek Road (RP 1211) and southward along Henline Lane to its junction with Laurel Street. |
| Hillcrest Drive- | Beginning at its junction with South Mitchell Ave., and along Hillcrest Drive for a distance of .02 mile. |
| Pine Drive- | Beginning at N.C. 261 and thence along Pine Drive to its junction with N. Mitchell Ave., a distance of .4 mile. |
| Richmond Road- | Beginning at Baker Lane and thence westward along Richmond Road to its junction with Dawn Court., a distance of .2 mile. |
| Roan View Drive- | Beginning at its junction with Baker Lane and thence along Roan View Drive to the Corporate limits, for a distance of .3 mile. |
| Thompson Lane- | Beginning at its junction with Hemlock Drive and thence eastward or a distance of .02 mile. |
| Maple Street - | Beginning at its junction with N.C.226 thence along Maple Street to N. Mitchell (RP 1211) |

Schedule 2
(Relative to Chapter 3, Article 3, Section 5)

SPEED LIMIT - 20 MILE PER HOUR

It shall be unlawful to operate a motor vehicle in excess of 20 miles per hour on the following streets or portion thereof:

- | | |
|----------------------|---|
| N.C. 226- | Beginning at N.C. 261, thence westward along N.C. 226 for a distance of .2 mile. |
| Crimson Laurel Way- | (N.C. 226) Beginning at Mitchell Ave. (RP 1211) thence south eastward along Crimson Laurel Way for a distance of .2 mile. |
| North Mitchell Ave.- | Beginning at N.C. 226 thence north eastward along N. Mitchell Ave., (RP 1211) for a distance of .3 mile. |

- N.C. 261. - Beginning at N.C. 226 and thence Northward along N.C. 261 for a distance of .2 mile.
- Hemlock Drive. - From N.C. 226 along Hemlock Drive to N. Mitchell Ave. (RP 1211)
- Bakers Lane. - Beginning at South Mitchell Ave., thence westward along Baker Lane to its junction with N.C. 226 N a distance of .4 mile.

Schedule 3

(Relative to Chapter 3, Article 3, Section 5)

SPEED LIMIT - 25 MILE PER HOUR

It shall be unlawful to operate a motor vehicle in excess of 25 mile per hour on the following streets or portion thereof:

- South Mitchell Ave.- from N.C. 226 and (RP 1211) South eastward along South Mitchell Ave., for a distance of .5 mile, ending at N.C.226 South.
- N.C. 226 N- Beginning at a point .2 mile west of N.C. 261 thence along N.C. 226 for a distance of .3 mile, ending at the Western City Limits.
- North Mitchell Ave.- Beginning at a point .2 mile East of N.C. 226 thence along (RP 1211) for a distance of .3 mile, to the Eastern City Limits.

Schedule 4

(Relative to Chapter 3, Article 3, Section 5)

SPEED LIMIT - 35 MILE PER HOUR

It shall be unlawful to operate a motor vehicle in excess of 35 miles per hour on the following streets or portion thereof:

- N.C. 226- from the Southern City limits, Northward along 226 for a distance of .3 mile.
- N.C. 261- beginning at the Northern City Limits thence Southward along N.C. 261 for a distance of .3 mile.
- Redwood Rd.- (RP 1217) Beginning at North Mitchell Ave. (RPSR 1211) This along Redwood R., Northeastward to the corporate city limit.

ARTICLE IV - STOPPING, STANDING AND PARKING

Section 1. **Vehicles Not to Stop in Streets. Exceptions:** No vehicle shall stop in any street except for the purpose of parking as prescribed in Chapter 3 Article I subsection (j), unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given the right of way, by the stopping of a public conveyance, by the giving of traffic signals, by the passing of some other vehicle or a pedestrian or by some emergency: and any case covered by these exceptions said vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if such can be avoided.

Section 2. **Vehicles Not to obstruct Passing of Other Vehicles.** No vehicle shall so stand on any street as to interrupt, or interfere with, the passage of public conveyance or other vehicle.

Section 3. **Parking Prohibited at all Times in Designated Places.** When signs are placed, erected or installed, giving notice thereof, or curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets described in Schedule I, attached to made a part of this article.

Section 4. **Parking Time Limited to 10-15 Minutes in Designated Places.** When signs are placed, erected, or installed in each block giving notice thereof, no person shall park a vehicle for longer than 10 - 15 minutes at any time upon any streets described in Chapter D-Schedule attached hereto and made a part of this Article, and the changing of a vehicle from one point directly to another point within the same block, shall be deemed as one continuous parking period.

Section 5. **Left Side to Curb Not Permitted in Business-District.** No vehicle shall stop with its left side to the curb in the business district, except that on one-way streets vehicles shall head in the direction of traffic.

Section 6. **Parking Within Lines Where Provided.** On any street which is marked off with lines indicating the parking spaces for cars, the same shall be parked between said lines.

Section 7. **Parking by Permit Only.** When signs are placed, erected or installed giving notice thereof, no car shall be parked, erected or installed giving notice thereof, no car shall be parked upon this section without first obtaining parking permit from Town Clerk. Failure to comply with this section will result in vehicle being towed away at owner's expense.

Section 8. **No person shall park or leave standing any vehicle** whether attended or unattended, on the paved or unpaved main traveled portion of any business within the municipal corporate limits, that have erected the appropriate signs giving notice thereof.

- a) In the event the vehicle has been left unattended, and the driver is not present, the owner or person to whom the vehicle is currently registered to, shall be responsible for the parking violation.
- b) The people that commute to various workplaces shall be exempt and will not be in violation, provided however, they park in a pre-designated area and have permission from the owner or lessee to do so.

Section 9. **Handicap Parking Only.** It shall be unlawful to park or leave standing without privilege a motor vehicle in a handicap parking space designated for handicapped and visually impaired persons. In violation of Article IV, section 9 (a)

- a) A parking space marked with the appropriate placards on the street indicating that the space is designated for handicapped and visually impaired parking only.

- b) The vehicle must display windshield placard, or a distinguishing license plate issued by the State of North Carolina.
- c) Violation of Article IV, Section 9, (a) is a violation of the code of ordinances of the Town of Bakersville and carries a penalty of fifty dollars (\$50.00)

Section 10. **Parking in Front of a Fire Hydrant**

- a) It shall be unlawful to park a motor vehicle or permit to stand, whether attended or unattended, upon a highway within 15 feet in either direction of a fire hydrant or the entrance to a fire station, nor within 25 feet from the intersection of curb lines at the intersection of roadways.
- b) No person shall park a vehicle or permit to stand, whether attended or unattended, upon any public vehicular area, street, highway or roadway in any area designated as a fire lane. This includes all public vehicular areas within the corporate limits of The Town of Bakersville that have been designated as fire lanes.
- c) Violation Article IV, Section 10, (a) or (b) is a violation of the code of ordinances of the Town of Bakersville and carries a penalty of fifty dollars (\$50.00.)

Section 11. **Vehicles that occupy more than one designated parking space**, will not be allowed to park on either side of N. Mitchell Ave., at any time.

- a) The owner or the person the vehicle is registered to shall responsible for any truck or vehicle that has been parked or left unattended and shall be guilty of criminal trespass.
- b) The vehicle shall be towed or removed at the owner's expense and shall be store or impounded till all charges and fines have been paid in full. (Towing, Storing, Parking Fines, Bonds, Etc.)

Section 12. **Vehicles longer than 216 inches**, allowing the rear end of the vehicle to extend out into the roadway and impede the normal flow of traffic, will not be allowed to park on North Mitchell Ave. Facing the curb or sidewalk at any time.

Section 13. **Loading and unloading of large trucks** will be permitted only in designated loading and unloading zones or in the street for a period not to exceed 15 minutes. Provided however that both lane of traffic are not blocked, and the normal flow of traffic is allowed to proceed in one lane.

Section 14. **Overnight or extended period parking** will not be allowed with the exception provided that business owners and residents may park their vehicles overnight in the space designated for them.

Section 15. No person shall park or leave standing any vehicle, whether attended or unattended, on the pave or unpaved main-traveled portion of any business within the municipal corporate limits, that have erected the appropriate signs giving notice thereof.

- a) This Ordinance shall be in compliance with the provision set forth in the Town of Bakersville Municipal Code of Ordinances, Chapter C, Articles 1V, Section 9.
- b) In the event the vehicle has been left unattended, and the driver is not present, the owner or person to whom the vehicle is currently registered too, shall be responsible for the parking violation.

- c) The people that commute to various workplaces shall be exempt and will not be violation, provided however, they park in a pre-designed area and have permission from the owner or lessee to do so.
- d) Any person violating this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with G.S. 14-4.

Schedule 5
(Relative to Chapter 3, Article V, Section 1)

Intersections at Which "Stop" is Required Before Entering.

Alternating traffic light at the intersection of North Mitchell Avenue and NC 226, when emitting a red signal.

Alternating traffic light at the intersection of South Mitchell Avenue and NC 226, when emitting a red signal.

Flashing red light and stop sign at the intersection of NC 261 and NC 226

Stop sign: Pine Drive and North Mitchell Avenue.

Stop sign: Dogwood Drive and State Highway 261.

Stop sign: Hemlock Drive and N. Mitchell Ave.

Stop sign: Hemlock Drive and Crimson Laurel Way (State Highway 226).

Stop sign: Laurel Street and Maple Street.

Stop sign: Redwood Road (McKinney Cove Road) and N. Mitchell Ave.

Stop sign: Maple Street and N. Mitchell Ave.

Stop sign: Maple Street and Crimson Laurel Way (State Highway 226).

Stop sign: Azalea Street and Laurel Street.

Stop sign: Burluson Drive and Crimson Laurel Way (State Hwy. 226).

Stop sign: Buchanan Drive and Crimson Laurel Way (State Hwy. 226).

Stop sign: White Oak Road and Crimson Laurel Way (State Hwy. 226).

Stop Sign: Baker Lane and State Hwy 226.

Stop Sign: S. Mitchell Ave. and Crimson Laurel Way (State Hwy. 226)

Stop Sign: Henline Lane and N. Mitchell Ave.

Stop Sign: Henline Lane and Laurel Street

ARTICLE V - OPERATION OF VEHICLES

Section 1. **Stop Before Entering Certain Street Intersections**. Those intersections described in -Schedule 5 attached hereto and made part hereof, are hereby declared to stop at intersections when entered from the streets first named, and when stop signs are placed, erected, or installed at such intersections every driver of a vehicle, shall stop in obedience to such signs before entering the intersection, and shall not Proceed into, or across, the through street until he has first determined that no conflict will be involved.

Section 2. **Driving Through Funeral Processions**. No vehicle shall be driven through a funeral procession, except fire department vehicles, police patrols and ambulances, when the same are responding to calls.

Section 3. **Vehicles Shall Not Be Driven On The Sidewalk**. The driver of a vehicle shall not drive within any sidewalk area.

Section 4. **Riding on Handlebars Prohibited**. The operator of motorcycle, or bicycle, when upon a street, shall not carry any person upon the handle-bar, frame, or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

Section 5. Operating Moving Vehicles on the Bakersville Creek Walk.

- a) It shall be unlawful to operate any unauthorized moving vehicle on any portion of walkway hereby designated as the Bakersville Creek Walk, which is officially set apart for the foremost use of pedestrians and which is protected, marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- b) The provisions of this ordinance regulating the operation of moving vehicles on the Bakersville Creek Walk shall not apply to motorized wheelchairs, or wheelchairs maneuvered by human power.
- c) The use of 4-wheelers, motorcycles, mopeds, scooters, go-carts, golf carts, and horses are prohibited at all times on any portion of the creek walk hereby designated as the Bakersville Creek Walk.
- d) The use of maintenance vehicles shall be exempted for the purpose of garbage removal, mowing, and general maintenance of any portion of the Bakersville Creek Walk.
- e) Any authorized moving vehicle on the Bakersville Creek Walk must yield right of way to any pedestrian.

GAS POWERED/ELECTRIC GOLF CARTS

Section 5.01 POLICY STATEMENT

- A. Gas powered and electric golf carts, hereafter golf carts, are not designed or manufactured to be used on the public streets, and the town in no way advocates or endorses their operation on public roads.
- B. This chapter is adopted to promote the health, safety and welfare of the public.
 - (1) The town, by regulating the operation, is merely trying to address obvious safety issues, and the adoption of this chapter is not relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this chapter.
- C. All persons who operate or ride upon golf carts on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians.
- D. The town has no liability under the theory of liability, for permitting golf carts to be operated on the public streets and roads under this legislation granted by the state's legislature.
- E. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a cart on the public streets and roads.
- F. The town council must exercise its judgment concerning what roads to allow carts to be driven upon. In exercising its judgment, the town council has considered the following factors:
 - 1) The town is the county seat, and the Town of Bakersville is an important aspect of this county and sometimes the traffic flow is quite heavy.
 - 2) Carts driven upon roads that are main traffic arteries create a greater public safety concern.
 - 3) The greater a distance a cart must be driven to reach its destination, the greater the public safety concerns.
 - 4) Adopting rules and regulations concerning the operation of golf carts upon public roads within the town promotes public safety.
 - 5) In accordance with GS 160A-300.6 it shall be lawful to operate gas powered and electric golf carts within the municipal city limits of the Town of Bakersville on streets having a speed limit of 35 mph or less.

Section 5.02 RULES AND REGULATIONS

Gas powered and electric golf carts shall not be operated on any public road within the town except in accordance with the following rules and regulations:

- A. Carts can be driven on any town maintained street having a speed limit of 35mph or less.
- B. Golf carts will not be allowed on any portion of the Bakersville creek walk.

- C. Carts are not to be used as an alternative means of transportation.
- D. Carts must be equipped with rear vision mirrors.
- E. Drivers of carts must have a valid driver's license.
- F. Drivers of carts shall stay to the far right of the traveled portion of the roadway and yield the right-of-way to overtaking vehicles.
- G. Drivers of golf carts shall yield the right-of way to pedestrians at all times.
- H. The maximum occupancy of a golf cart traveling on town roads shall be one person per seat.
- I. Occupants less than 16 years of age may only ride in a cart on town roads if they are accompanied by a licensed driver 18 years old or older.
- J. All applicable state laws will be adhered to, including GS 20-138, regarding the use of alcoholic beverages during the operation of the golf cart within the Town of Bakersville.
- K. Golf carts shall not be operated between one hour after sunset and until one hour before sunrise.
- L. Golf carts shall not exceed 15 MPH as per state golf cart law.
- M. Golf carts that are being operated in a careless and reckless manner shall be presumed guilty of reckless driving and will be subject to a civil penalty.
- N. No one is allowed to stand on the golf cart while it is in motion and have only the appropriate number of passengers that it was designed to carry.
- O. All carts must be inspected by the Bakersville Police Department annually before traveling on the public roads. The Department shall charge a \$10 fee per inspection. This inspection shall expire one year from date of issuance.
- P. Any violation committed by the operator of the golf cart within the city limits of Bakersville shall be subject to a civil penalty of \$50 per violation set forth and approved by the town council on September 11, 2006.
- Q. The town council reserves the right to revoke golf cart privileges of an individual, if after a careful review of alleged abuse and violation of rules and regulations have been found to be true and consistent.

Section 5.03 **EQUIPMENT REQUIREMENT**

- A. The golf cart shall be equipped with headlamps, stop lamps, turn signals, tail lamps, rear reflectors, parking brakes, rearview mirrors, windshield, windshield wipers, speedometer, seatbelts, and a vehicle identification number.
- B. The owner shall possess written proof of liability insurance for the vehicle which is required to be inspected.

Section 5.04 **PERMIT APPLICATION**

A golf cart permit authorizes the operation of a gas-powered golf cart on town streets posted 35 miles per hour or less. Golf carts shall not exceed 15 MPH as per state golf cart law. The fee for the golf cart permit is \$10 per golf cart and expires one year past the date of issuance.

All persons who operate or ride upon golf carts agree to do so at their own risk and must be observant to the safety of themselves, their passengers, other motorists, bicyclists, and pedestrians.

The Town of Bakersville has no liability for permitted golf carts to be operated in the town. The owners and operators of the golf cart are responsible for any liability involved in using a golf cart.

I hereby acknowledge by this application that I will have and maintain liability insurance coverage on the golf cart to be operated within the Town of Bakersville.

Drivers of golf carts shall stay to the far right of the road and yield the right-of-way to overtaking motor vehicles and pedestrians.

Golf carts shall not be operated from one hour after sunset until one hour before sunrise and shall be equipped with and have in use head lights and reflectors located on the rear of the golf cart.

Golf carts shall have at least one operational mirror allowing the operator to see behind the golf cart.

No one is allowed to stand on the golf cart while it is in operation and may only have the appropriate number of passengers that is was designed to carry.

The operator of the golf cart must possess a valid driver's license and be 18 years of age or older.

I hereby acknowledge and am made aware of North Carolina Laws as found in G.S. 20-138, regarding the use of alcoholic beverages applies to golf cart regulations in the Town of Bakersville and I acknowledge that operation of a golf cart is a privilege.

I also understand and agree that if this privilege is abused, neglected, or violated, this permit is subject to revocation if the town council so deems appropriate.

Applicant Name: _____

Street Address: _____

Mailing Address: _____

Phone Number: _____

Signature of Applicant: _____

Date of Application: _____

CHAPTER 4 - STREETS AND SIDEWALKS

ARTICLE I – DAMAGE TO

Section 1. **Permit to Dig in Streets.** It shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the Town of Bakersville without first securing a permit therefore in writing from the Town Clerk.

Section 2. **Sidewalk Construction.** No sidewalk of any description shall be built by any individual, firm, or corporation, of any brick, wood or other material without a written permit from the Town of Bakersville.

Section 3. **Street Repair.** It shall be the duty of every person, firm, or corporation, who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the Town, to put the said street, public alley or sidewalk in as good condition in all respects as it was before, and every person, firm or corporation violating or failing to observe the provisions of this Section shall be guilty of a misdemeanor.

Section 4. **Excavations – Leaving Unprotected.** It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalk to fail to securely cover excavations with plank or space ropes around the same three feet from the ground or shall fail to place a sufficient number of red lights around such excavation before dark and to keep such light burning all night every night such excavation shall be open.

Section 5. **Streets not to be Damaged.** It shall be unlawful for any person, firm or corporation to drag, or run, or cause to be dragged to run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite, or other permanently paved street of the Town which shall be liable, in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

Section 6. **Damage to Bridges and Culverts.** No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the Town, or shall place any obstruction in any culvert, ditch or drain, to prevent free flow of water on or over the streets of the Town.

Section 7. **Damage of Lights, Signs.** No person shall injure, tamper with, remove or paint upon or deface any sign, signpost, property upon the streets and sidewalks except employees of the Town in performance of their duties.

Section 8. **Ordinance for Graffiti on Creekwalk and on Town Picnic Tables.** Be it ordained that the following ordinance is authorized by G.S. 160A-175. And is included in the list of ordinances imposing civil penalties, the ordering of equitable relief, including injunctions, or a combination of remedies.

A civil penalty shall be imposed for:

- a) painted, scratched, inked, or stained graffiti upon the walls along the Creekwalk under the bridge supporting South Mitchell Avenue, and on the surrounding retaining walls, without the written consent of the Town Council or Mayor.
- b) painting, scratching, inking, staining or removing the picnic tables under the shelter beside the Creekwalk without the written consent of the Town Council or Mayor.

ARTICLE II - OBSTRUCTING STREETS AND SIDEWALKS

Section 1. **Assembly on Sidewalk.** All persons are forbidden from assembling or collecting and standing so as to obstruct shall disperse and move upon the demand of any police officer.

Section 2. **Placing objects on Streets and Sidewalks.** No brick, stone, or wood or other substances obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alley ways, streets or other routes, of the Town, nor shall any person place on or in any of the streets, sidewalks or alley ways of the Town any boxes, crates, casks, or barrels of any description, or any other obstruction of any kind, provided that any person erecting a building may with permission place building materials for immediate use on the streets in such a way as to not interfere with the usual traffic.

Section 3. **Construction Near Sidewalk.** Before building or remodeling at any place where the same is in close proximity to the sidewalk a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

Section 4. **Sheds and Awnings.** No person shall erect or repair over any sidewalk or street any wooden shed or awning or any wooden shed for the support of an awning or erect upon any street or sidewalk any post for the support of any awning. If any person shall violate this Section, then each day that the above forbidden structure shall remain after notice shall constitute a separate violation. Provided that his shall constitute a separate violation. Provided that this shall not construed to prevent the erection over sidewalk of cloth or metal awnings supported upon metallic frames firmly suspended from the building, and at least seven feet above the level of the sidewalk.

Section 5. **Assembly on Streets.** All persons or groups of persons are forbidden to assemble or collect or stand in the streets so as to obstruct. Persons or groups of persons who wish to hold a rally, a meeting, a street festival, a street dance or a like activity shall first petition the Council of the Town of Bakersville for their permission to do such. Such petition then may or may not be granted.

ARTICLE III - USE AND CLEANLINESS

Section 1. **Throwing or Burning Trash on Street Prohibited.** No paper, straw, produce or any trash of any kind shall be thrown or swept upon any sidewalk or street of the Town, nor shall any trash, refuse, or rubbish be burned thereon.

Section 2. **Snow and Ice Removal.** Every property owner of a store building in front of which the sidewalk is paved with stone, brick, asphalt or cement, shall remove snow, ice and other obstruction from such sidewalk at the earliest possible time and as soon as the weather permits.

Section 3. **Tree Trimmings.** It shall be unlawful for any person to place or allow to be placed any trimmings or shrubbery on any street or sidewalk.

Section 4. **Playing Ball on Sidewalks** Prohibited. No person shall play ball or bat or catch a ball on any of the streets of the Town.

ARTICLE IV - MAINTENANCE OF SIDEWALKS

Section 1. **Maintenance of Sidewalks.** The Town of Bakersville shall be responsible for the upkeep and maintenance of town installed sidewalks.

Section 2. **Replacement of Sidewalk.** It shall be the responsibility of the Town of Bakersville in replacing and repairing sidewalks as well as extending sidewalks as the need arises.

CHAPTER 5 - MUNICIPALLY OWNED UTILITIES

Section 1. **Council to Regulate.** The sewer and water system of the Town of Bakersville shall be under the control of, and the duty of prescribing and enforcing a full compliance with all the rules and regulations governing all connections with the public sewer and water system shall be vested in the Council or its authorized agent.

Section 2. **Permit for Connection Required.** No person, firm, or corporation shall connect with the water system of the Town of Bakersville until they have submitted an application for permission to do so in writing or by approval of the Mayor. This application shall be made before any part of the drainage system of the house or other connection shall have been laid or constructed and said application shall be accompanied with a plan or drawing showing the location of the building and the entire proposed connection from the public sewerage line through the building to its terminus, showing the location of all the fixtures, traps, ventilating pipes, etc., and shall state name of the street and name of the person, firm or corporation.

Section 3. **Separate Connections Required.** Each individual business or residential building or structure shall install a separate water and sewer connection. If a multiple unit connection is desired, then complete justification must be provided to the Council and the Council must approve before any connections are made.

Section 4. **Sewer Required.** All owners of improved property which is or may be located upon or within a reasonable distance of the sewerage system of the Town of Bakersville, where the sewerage system is in operation, shall connect with such sewerage system all water closets, bathtubs, lavatories, sinks, drains, shower baths and other connections upon their respective properties or premises so that the contents may be made to empty into such sewer or sewer system. The exception to the drain statement above is that all roof drains or roof drainage system is prohibited from emptying into the town sewer system. If a homeowner has such drains now emptying in the town sewer system, such drains must be disconnected from the system immediately.

- a) No outdoor privies may be hereafter constructed.
- b) No person shall maintain or use a residence location adjacent 300 yards of another residence, that is not provided with sewerage, where such sewerage is available, or with septic tanks approved by the State Board of Health.
- c) No person shall be allowed to have an outdoor privy of any kind in the town of Bakersville. If a property owner, within the Town limits, does not have accessibility to the Town sewage system and wishes to have sewage service to either an existing or new house, he or she may petition the Town Council for help in installing a septic tank system on his or her property.
- d) Septic tanks may be installed where sewer is not reasonably accessible, provided, such tank is constructed in accordance with the specifications of the North Carolina State Board of Health, and a permit therefore is issued by the Town Clerk, with the Town Council approval.

Section 5. **Use of Town Water.**

- a) No consumer will be allowed to supply or sell water, to other persons, families or corporations, nor shall any person take or carry away water from any fire hydrant, watering through, or public fountain.
- b) The fire hydrants are for the use of the Fire Department for fighting fires and are not to be used by any unauthorized person for any purpose, without permission from the Council.

Section 6. **Water and Sewer Rates.** Water rates and water and sewer connection charges shall be determined from time to time by the Council which shall be kept on file in the office of the Town Clerk.

Section 7. **Tampering with or Obstructing with or Sewer Lines Prohibited.** No person shall touch, tamper, or in any manner manipulate or turn the cut-offs on the water mains forming a part of the water system of the Town of Bakersville, nor shall any person tamper with or harm in any manner whatsoever any water or sewer line, main or any appurtenance thereto. No person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct such line.

Section 8. **Private Water Supply Regulated.** It shall be unlawful for any person, firm or corporation to furnish, supply, or provide, any water from a private well or pumps in or to any dwelling house, boarding house, inn, hotel, cafe, or other commercial establishment, or any room or rooms of the same, when said dwelling house or any room or rooms therein are rented, or offered for rent to the public, or when said boarding house, inn, hotel, cafe, or other commercial establishment is open to, or used by, the public.

Section 9. **Water and Sewer Superintendent.** The Town Council may select some competent person to supervise under their general control the entire water and sewer system of the Town. The Council may from time to time prescribe the duties and responsibilities of the superintendent. The superintendent, or his assistant, shall, at all reasonable hours, have free access to all premises for the purpose of examining hydrants, fixtures or connections on which town water pressure is maintained.

Section 10. **Work on Water and Sewer System.** All work on the water and sewer system and all connections or disconnections there to shall be performed by the authorized employees of the Town or their representatives, or plumbers approved by the Town. All work shall be performed in accordance with the N.C. State Plumbing Code of the Town of Bakersville and such amendments thereto that the Town Council may from time to time adopt.

Section 11. **Town Water and Sewer system.** The Town of Bakersville is responsible for installation and maintenance of the **MAIN** Town Water and Waste Water lines.

- a) It is the property owner's responsibility to request water or wastewater service from the town system. An application for services must be requested at town hall, along with an appointment time to meet with the Public Works Director. If requesting Water/Sewer Services the property owner is responsible for the following:
 - (a) When crossing another property owner's land, a "Right of Way" must be obtained and recorded at the Mitchell County Register of Deeds office and a copy presented to the Clerk at Bakersville Town Hall
 - (b) Owners are responsible for water and sewer lines from the home to the nearest point where connection can be made to the town's water or sewer lines

(c) Cost of water and sewer taps to the town's main system is at owner's expense

b) The Town of Bakersville shall not be held liable to a property owner for the lack of water due to low gravity pressure. The installation of an on demand pump, for the purpose of a pressure boost, will be the property owner's responsibility.

Section 12. **Water and Sewer Taps.** Water and Sewer Service connection shall not be made until after payment of tap fees.

ARTICLE I - DECLARATION OF WATER SHORTAGE

Section 1. **Declaration of Applicability of Ordinance.** In the event it appears that water demand of the Town of Bakersville water system may exceed supply and transmission capabilities, the maintenance supervisor may recommend to the Mayor that voluntary water conservation be implemented. The Mayor, following consultation with the Town Council, may declare a Stage I Water Shortage Condition Advisory requesting voluntary conservation measures fail to relieve the demand on the system the Town may advance to a Stage II or Stage III Water Shortage Condition. The Mayor, following consultation with the Town Council, may, with or without the recommendation of the Maintenance Supervisor declare that a Stage II or Stage III Water Shortage Condition exists.

ARTICLE II - STAGE 1 WATER SHORTAGE CONDITION

Section 1. In the event a Stage I Water Shortage Condition is declared the following guideline shall apply:

- a) An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending or existing water shortage.
- b) Conservation measures will be encouraged and recommended.

Section 2. In the event a Stage I Water Shortage Condition is declared the following guidelines shall apply and the public shall be encouraged to adhere to the following:

- a) Limit car washing to the minimum.
- b) Limit lawn and garden watering to that which is necessary for plants to survive.
- c) Do not wash down outside areas such as sidewalks, patios, parking lots, service bays, etc.
- d) Do not leave faucets running while shaving or rinsing dishes.
- e) Water shrubbery to the minimum required reusing household water when possible.
- f) Limit use of clothes washers and dish washers and when used, operate fully loaded.
- g) Use of showers for bathing, rather than bathtub and limit showers to no more than (4) minutes.
- h) Limit flushing of toilets by multiples usage.

- i) The use of disposable and biodegradable dishes is encouraged.
- j) The use of flow restrictive and water saving devices.
- k) All residents, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.

ARTICLE III - STAGE II WATER SHORTAGE CONDITION

Section 1. **Compliance.** In the event the Mayor issues a declaration of a Stage II Water Shortage Condition, then it shall be unlawful for any person, firm or corporation, to use or permit the use of water from the Town of Bakersville water system for any purpose, hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition consideration shall be given to water storage levels and available sources of supply, available usable storage on hand, draw-down rates the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section 2. In the event a Stage I Water Shortage Condition is in effect and any two (2) Town elevated storage tanks drop to ten (10) feet or less of storage then a Stage II Water Shortage may be proclaimed. In addition to the voluntary guidelines already in effect, it shall be unlawful to use water supplied by the Town of Bakersville water system in the following manner:

- a) To water lawns, grass shrubbery, trees, flowers, and vegetable gardens except in accordance with the following schedule set forth below for specific areas of the town. Such watering shall be done by hand-held hose or container or drip irrigation system only.

All areas may water on Sunday and Thursday between the hours of 6:00 a.m. and 9:00 a.m.
- b) To fill newly constructed swimming and/or wading pools or refill swimming and/or wading pools which have been drained.
- c) To wash automobile, trucks, trailers, boats, airplanes, or any other type of mobile equipment, including commercial washing.
- d) To wash down outside areas such as streets, driveways, service station apron, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for other similar purposes.
- e) To use water from public or private fire hydrant for any purpose other than fire suppression or other public emergency.
- f) To operate or induce water into any ornamental fountain, pool or pond or other structure making similar use of water.
- g) To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.
- h) To use water for any unnecessary purpose or to intentionally wastewater.

ARTICLE IV - STAGE III SHORTAGE CONDITION

Section 1. **Compliance.** In the event the Mayor issues a declaration of Stage III Water Shortage Condition then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Town of Bakersville water system for any purpose hereinafter set forth until such time as the declaration of water shortage is rescinded. In exercising the authority for declaring a water shortage condition consideration shall be given to water storage levels, and available sources of supply, available usable storage on hand, draw—down rates, the projected supply capability, outlook for precipitation, daily water used pattern and availability of water from other sources.

Section 2. In the event a Stage II Water Shortage Condition exists and 2 storage tanks drop to 7 feet or less, then a Stage III Water Shortage may be declared. In addition to the restrictions for Stage I and Stage II Water Shortage Conditions the following restrictions shall also apply:

- a) To induce water into any pool.
- b) Use water outside a structure for any use other than an emergency involving a fire.
- c) Fire protection to be maintained by drafting of ponds, rivers, etc., wherever possible.
- d) The use of throw away utensils and plates is encouraged and recommended at all eating establishments.

ARTICLE V

Section 1. **Lighting of Restrictions Imposed during a Water Shortage.**

- a) Water shortage conditions will expire when the Mayor, after consultation with the Town Council and upon recommendation of the Maintenance Supervisor, deems that the condition which caused the alert has abated.
- b) The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

ARTICLE VI

Section 1. **Penalties.** Any violation of the provisions of this ordinance shall constitute a misdemeanor, punishable upon conviction by a fine not to exceed fifty (50) dollars or imprisonment not exceeding thirty (30) days as provided by General Statute Section 14-4 and in addition thereto such violation may be enjoined and restrained as provided in General Statute Section 153A-123.

ARTICLE VII

Section 1. **Discontinuance of Service.** Pursuant to the provisions of General Statute Section 162A-88 and the Town Water Ordinance, service may be temporarily disconnected for willful disregard of the ordinance and a fifty-five (55) dollar reconnect fee may be imposed before the restoration of service. In the event of continued gross non-compliance of this ordinance the removal of meter will be deemed proper and service will be discontinued and all tap fees and deposits forfeited. Reconnection will be only be made by payment of current due amounts, and new tap fees and deposits shall be paid.

ARTICLE VIII

Section 1. **Severability.** If a section, subdivision clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision clause or provision so adjudged, and the remainder of this ordinance may be declared valid one effective.

CHAPTER 6 – HEALTH PROTECTION AND DISEASE PREVENTION

ARTICLE I - ABATEMENT OF PUBLIC NUISANCES

Whereas, the accumulation of offensive tree or 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 Town Council is authorized by Section 160A-175,160-192, and 160A-193 of the General Statutes of North Carolina to abate nuisances,

Section 1. The existence of any of the following conditions on any vacant lot or any other 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) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing 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.
- b) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation there in of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- c) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items.
- d) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.
- e) Any open storage of abandoned used tires of any sort.

Section 2. An Ordinance Prohibiting the burning of Coal in the Town of Bakersville, North Carolina

Whereas, the burning of coal creates a danger for occupants of buildings wherein coal burning occurs; and

Whereas, the burning of coal creates irritating and hazardous emissions which affect the health and welfare of other persons in the areas near coal burning; and

Whereas, the Town Council of the Town of Bakersville are authorized pursuant to N.C.G.S. § 160a-183, 185, 193, et al, to enact ordinances for the safety and welfare of the persons within the Town.

Therefore, it is unlawful to burn coal in any form in the Town of Bakersville in either a solid fuel-fired heating device, or in open burning.

A violation of this ordinance shall constitute a nuisance and shall be actionable and/or punishable as provided for in Chapter F of the Town of Bakersville Code of Ordinances.

Definition: *Solid fuel fired-heating device* means a device designed for solid fuel combustion so that useable heat is derived for the interior of a building and includes solid fuel-fired stoves, fireplaces, pellet stoves, solid fuel-fired cooking stoves, and furnaces or boilers.

If any section, paragraph, sentence, clause or phrase of this chapter is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of the chapter. The Council declares that it would have passed this chapter and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional in the future.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Any person found guilty of violating this ordinance shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) or imprisoned for no more than 30 days.

Section 5. This ordinance shall be in full force and effective from and after its adoption.

ARTICLE II - LITTERING PROHIBITED

BE IT ORDAINED by the Town Council of the Town of Bakersville, pursuant to G.S. 160A-303.1, that:

Section 1. **Definitions.** The following words, when used in this ordinance, shall be construed to have the following meanings:

- a) Solid Waste - Useless, unwanted or discarded non-gaseous and non-liquid materials resulting from domestic, industrial, commercial or community activities.
- b) Refuse - Solid waste, including but not limited to garbage, rubbish, and materials referred to as trash.
- c) Garbage - Animal and vegetables refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto.
- d) Rubbish - Refuse (exclusive of garbage) including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, branches from vegetation, cuttings and trimmings, grass, leaves, tin cans, metals, minerals matter, glass, crockery, dirt, earth and dust.
- e) Littering - The act of placing, discarding, depositing, leaving, throwing or otherwise disposing of solid waste, refuse, garbage or refuse on or in any public street, highway, sidewalk, park or other property owned or operated by the Town of Bakersville, or private property without the consent of the owner, unless the articles or matter are placed in a designated location or container for removal by a specific garbage or trash service collector.

Section 2. **Littering Prohibited.** The act of littering shall be unlawful within the boundaries of the Town of Bakersville. Each day or portion thereof the articles or matter are left shall constitute a separate offense.

Section 3. **Violations.** Violation of this ordinance shall constitute a criminal misdemeanor, punishable upon conviction by a fine of not more than \$50.00, or imprisonment for not more than thirty (30) days, or both, as provided in G.S. 160A-303.1.

Section 4. In addition to or in lieu of other available remedies, violation shall subject the offender to a civil penalty in the amount of \$50.00, to be recovered by the Town in a civil action in the nature of citation has been issued.

ARTICLE III - GARBAGE AND REFUSE COLLECTION

Section 1. **Definitions.** Garbage, as the term is used in this Article, shall mean and include all refuse, animal, fruit and other vegetables matter, all tin cans, glassware and crockery in which any such matter has been put up or stored, and all rags, waste paper, floor sweepings and other combustible refuse, except building material, scraps and tree trimmings.

Section 2. **Garbage Required to be Promptly Removed.** No garbage that has become decayed or that shall otherwise be a menace to health, or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, safe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter provided in this Article.

Section 3. **Garbage Cans.** The occupant of every building, premises or place where garbage does or may exist, shall provide himself with a garbage can made of substantial galvanized iron or other non-rusting metal in which he shall deposit all garbage existing at the place occupied by him. Such can shall be provided with handles or bales and with a tight-fitting cover made of the same material as the can. All garbage cans shall be water tight. They shall be of a size that can be conveniently handled by the garbage collector (not to exceed in holding capacity more than 32 gallons). All garbage cans shall be placed in such a place that can be conveniently reached by the garbage collector. No garbage can shall be placed, kept or left on any street, alley or public way for any purpose whatsoever. All garbage cans shall be kept reasonably clean by the use of lye or other effect cleaner.

Section 4. **Wet Garbage.** All wet garbage shall have the liquid drained off and shall be wrapped in paper, or other combustible material before it is placed in the garbage can, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter.

Section 5. **Deposit of Garbage in Public Places and Private Property.** No person shall throw, place, or deposit any garbage in any street, alley, public place or private property within the city limits, except in garbage cans or garbage vehicles as provided in this Chapter.

Section 6. **Transportation of Garbage and Slop by Private Persons.** No person or persons shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the Town, any garbage without first having procured a permit therefor from the Town Clerk.

Section 7. **Hour for Placing Cans.** Garbage cans or similar containers containing garbage and trash, for removal shall be placed on the premises from which the same are to be removed at or before 6:00 A.M., on the day scheduled for removal.

Section 8. **Garbage and Refuse Collections.** Garbage service shall be optional by the taxpayer.

Section 9. **Removal of Dead Animals.** Dead Animals will be removed by the Town maintenance crew.

Section 10. **Garbage Collection - Recycling.** Garbage collection is done on a weekly basis. Recyclables and regular garbage are each collected one day a week. Collection days to be determined by the Mayor and Sanitation Director.

ARTICLE IV - PRIVIES – SEPTIC TANKS

Section 1. **Privies Regulated.** No privy of any kind shall be permitted in the Town of Bakersville.

Section 2. **Septic Tank Regulated.** Septic tanks may be installed where sewer is not reasonably accessible, provided, such tank is constructed in accordance with the specifications of the North Carolina Board of Health, and a permit therefor is issued by the Town Clerk, with the Town Council approval.

ARTICLE V - PEDDLERS AND SOLICITORS

Section 1. **Regularly Established place of Business Defined.** The phrase "regularly established place of business" is defined for the purposes of this chapter as a place of business open to the public at least two days a week for not less than four hours daily and having one or more persons in charge thereof, at which place the same person has the intent to continue in business for at least six consecutive months.

Section 2. **License - Required.** Every person engaged in the practice of photography, but having no regularly established place of business located in this state, and who personally or through officers, employees, agents or servants, goes from town to town or from place to place within this municipality soliciting the making of photographic pictures or reproductions with a view to selling the same, shall apply for and obtain from the town chief of police a license for the privilege of engaging in such business in the Town, for each individual photographer, agent or servant, representative or employee so engaged.

Section 3. **Applicability.** (For State Law-see G.S. 105-48.1) The license tax imposed by this article shall apply to every person who practices the profession or occupation of an itinerant photographer in this town, whether as principal, officer, employee, agent or servant, and whether engaged in soliciting, or in one or more of the operations involved in the making of photographic pictures or reproductions.

Section 4. **State license prerequisite.** The Chief of Police shall issue a license only to such persons who have been issued similar licenses by the state department of revenue.

Section 5. **Book or Magazine Salesmen.** No person shall go from house to house or from place to place within the Town and sell or solicit orders for books, magazines or periodicals of any kind, or subscriptions thereto, without first having obtained a permit to do so as provided in this article.

Section 6. **Application.** Issuance.

- a) Any person desiring to engage in the businesses described in Article V shall, before engaging in such business, file an application for a permit to do so with the Chief of Police of the town.
- b) The application shall state the applicant's name, age, race, business and residence addresses and the name and address of the applicant's employer and shall furnish at least three references, satisfactory to the Chief of Police, as to the applicant's character.

- c) The application shall state the length of time for which the permit is requested, shall be in writing and shall be sworn to.
- d) After investigation of the application by the Chief of Police, if the same is approved, the chief of police shall issue to the applicant a permit, which shall be signed by the chief of police, authorizing the applicant to engage in the business described, for period of time therein stated.

ARTICLE VI - PARADES, PICKET LINES & GROUP DEMONSTRATIONS

Section 1. **Definitions.** For the purpose of this ordinance, the following terms shall have the definitions ascribed:

- a) **block** - is that portion of any street tying between it intersections with other streets.
- b) **parade** - is any parade, march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalk, alleys, parks, or another public grounds or places.
- c) **person** - is any person, firm, corporation, partnership, association, or other organization, whether formal or informal.
- d) **picket line** - is any two or more persons formed together for the purpose of making known any position or promotion of such persons, or on behalf of any organization or class of person.
- e) **group demonstration** - is any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of such person, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention to such assembly.

Section 2. **Permit Required.** It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley, or other public place within the Town unless a permit therefor has been issued by the Town in accordance with the provisions of this Article.

Section 3, **Requirements and Issuance of Permits.** The Chief of Police or his designee is authorized to issue permits as required in the preceding section, and in the issuance thereof he shall:

- a) require a written application for permit to be filed not less than twenty-four (24) hours in advance of such parade, picket line, or group demonstration Such application shall be on a form prescribed by the Chief, shall require the application to be signed by the applicant or applicants, shall require that the applicant show the proposed time, place, purpose and size of such parade, picket line or group demonstration and whether or not any minors below the age of eighteen (18) years shall participate.
- b) refuse to issue such permit when the activity or purpose stated in the application would violate any ordinance of the Town or statute of the State, or when the activity or purpose would constitute a clear and present danger to the public health or safety or would hinder or prevent the orderly movement of pedestrian or vehicular traffic on the streets, alleys or sidewalks;

- c) specify in the permit whether or not minors below the age of eighteen (18) years will be permitted to participate. The Chief shall pass upon whether or not such minors may participate, and shall base his determination upon whether or not the purpose of time or place of the particular activity will be detrimental to or endanger the health, safety or welfare of such minors, or will interfere with their education:
- d) require that the application for a permit shall specify and the permit shall designate the person or persons in charge of the activity. Such person shall be required to accompany the parade, picket line, or group demonstration and shall carry such permit with him at that time. Such permit shall not be valid in the possession of any other person;
- e) the permit may set the starting time, duration, speed of travel, and space between persons or vehicles in the parade, picket line, or group demonstration, may prescribe the portions or areas of streets, alleys, sidewalks, or other public places to be used; and may impose such other reasonable requirements as the Chief may prescribe for the control and free movement of pedestrian or vehicular traffic, or for the health, safety and property rights of the participants and the general Public.
- f) among other considerations, consider and find as a requisite to issuance the following:
 - (a) the activity will not require excessive diversion of police from other necessary duties:
 - (b) the activity will not interfere with the right of property owners in the area to enjoy peaceful and lawful occupancy and use of their property;
 - (c) the activity can be conducted without unreasonable interference with normal pedestrian or vehicular traffic in the area and will not prevent normal police and fire protection to the public and will not be likely to cause injury to persons or property or to provoke disorderly conduct or to create a public disturbance.

Section 4. **Certain Activities Prohibited**. The following acts or activities, when performed or undertaken in conjunction with or as a part of, any parade, picket line, or group demonstration. are hereby Prohibited and declared unlawful:

- a) the carrying on or about the person any firearms, or any weapon or article, including but not limited to blackjacks, nightstick, or flashlights, which by their use might constitute a deadly weapon
- b) the taking or keeping of any dog or other vicious animal, whether leashed or unleashed

Section 5. **Revocation of Permit**. The Chief of Police shall revoke any permit granted for a parade, picket line, or group demonstration for any of the following causes:

- a) the violation by any participant of Section 4 of this Article.
- b) the failure to comply with the terms and conditions of the permit.

Section 6. **Interference Prohibited**. No person shall hamper, obstruct, impede, or interfere with any parade, picket line, or group demonstration being conducted under authority of permit duly issued by the Chief of Police.

Section 7. **Additional Regulations Applicable to Picketing.** Picket lines and picketing shall be subject to the following additional regulation:

- a) picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on a portion of a street used primarily for vehicular traffic;
- b) not more than ten (10) pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time.
- c) pickets may carry written or printed placards or signs not exceeding two (2) feet in width and two (2) feet in length promoting the objective for which the picketing is done; provided the words used are not derogatory or defamatory in nature;
- d) if pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the of more than ten (10) pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

Section 8. **Exceptions.** The provisions of this Article shall not apply to:

- a) funeral processions;
- b) students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities;
- c) any governmental agency acting with the scope of its functions.

Section 9. **Enforcement.** The violation of any provision of this ordinance shall subject the violation to a civil penalty, to be paid to the Town within 24 hours of receipt of notice of the penalty. In addition, the Town may enforce this ordinance by injunctive or other equitable remedies

CHAPTER 7 - DISORDERLY CONDUCT AND PUBLIC NUISANCES

ARTICLE I – DISORDERLY CONDUCT

Section 1. **Profanity and Boisterous Conduct** It shall be unlawful for any person to use loud and boisterous language so as to become a nuisance or use any form of profanity or indecent language on the street or in a gathering or audience or assembly, or in any public place whatsoever, or to indecently expose themselves within the corporate limits.

Section 2. **Drunk and Disruptive.** It shall be unlawful to be intoxicated and disruptive in a public place. Disruptive in such conduct which includes;

- a) public nuisance such as lying across a sidewalk or street,
- b) grabbing or pushing others,
- c) yelling at people or cursing them or begging,
- d) occupying an automobile on a public street,

- e) "drunkenness" meaning a more helpless condition than under the influence, being unlawful to be in a public place, private parking lot, or similar place.

Section 3. **Drinking in Public.** No person shall consume, serve, or drink wine, beer, whiskey, or alcoholic beverage of any kind on the public streets, alleys, or in public buildings.

ARTICLE II - GENERAL NUISANCES/NOISE

Section 1. It shall be unlawful for any person, firm or corporation to create or assist in creating, permit, continue, or permit the continuance of any unreasonable loud, disturbing, and unnecessary noise in the Town of Bakersville, or within the vicinity of the Town limits of Bakersville such that the noise may be heard within the Town of Bakersville. Noise of such character, intensity and duration as to be detrimental to the life and health of any individual is prohibited.

Section 2. **Noises expressly prohibited.** The following acts, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but said enumeration shall not be deemed to be exclusive, namely:

- a) the sounding of any horn or signal devise on an devise on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal devise of any unreasonably loud or harsh sound; and the sounding of such devise for an unnecessary and unreasonable period of lime;
- b) the use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;
- c) the keeping of any animal or bird in the Town of Bakersville, or within the vicinity of the Town of Bakersville, which by causing frequent or long continued noise shall disturb the comfort and repose of any person within the Town of Bakersville.
- d) 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 and other noise;
 - (a) The operating of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 9:00 P.M. and 7:00 A.M. on any day.
- e) the erection (including excavation), demolition, alternation or repair of any building in a residential area or business district other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, except in the case of urgent necessity of the interest of public safety and then only with a permit from the Town Clerk which permit may be renewed for a period of three days or less while the emergency continues;
- f) the creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during normal operating hours, or within one hundred and fifty feet (150) of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institutions, provided conspicuous signs are displayed indicating that such area is a school, educational facility, church, court or hospital area.

- g) vehicle radio equipment will not be played unreasonably loud within the city limits.
- h) the use of any electronic sound amplification equipment for advertising or solicitation purposes, except with an appropriate permit

Section 3. **Firearms Regulations.** It Shall be unlawful for any person to discharge any firearm of any type within the corporate limits except a peace officer in the performance of his duty.

Section 4. **Posting Bills - Other Advertising.** No person shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post, or upon any property, owned by any person, firm or corporation, or owned by the Town of Bakersville, any printed written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the written permission of the owner of such property.

Section 5. Persons wishing to engage in activities regulated by this article may do so when a specific permit is approved by the police chief. Applications shall be submitted on forms supplied by the Town. The permit shall not be unreasonably withheld and may contain appropriate permit shall not be unreasonably withheld, and may contain appropriate conditions, including maximum decibel levels, designed to minimize the disruptive impact.

- a) Permits for such activities significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restriction.
- b) Permits issued under this section may specify that the permission granted will continue for a stated period or until revoked after actual notice.
- c) Persons shall not be held in violation of this ordinance when acting in conformity with permit conditions, but any permit may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels.

Section 6. In case an application is denied, a permit is approved with conditions unacceptable to the applicant, or a permit is revoked, the applicant or permit holder shall be entitled to a prompt, informal hearing with the police chief, upon submission of a written request. Any person aggrieved by a matter regulated by this article may submit to the police chief written comments, including requests for appropriate relief.

ARTICLE III – ANIMALS

Section 1. **Animals Prohibited.**

- a) No horse, goat, cattle or other animals shall be permitted to be housed within three hundred (300) feet of any dwelling, school building, church, or business within the corporate limits.
- b) Horses, goats, cattle or other animals may be pastured within the city limits, unless there is a complaint from an adjoining property owner, or such place becomes offensive to public health and is declared to be a nuisance.

Section 2. **Pig Pens/Hog Pens.** No person shall maintain a pig/hog pen or other enclosure for pigs/hogs within the corporate limits.

Section 3. **Poultry.** No person shall keep poultry within the corporate limits.

Section 4. **Dogs.**

- a) The owner or custodians of any dog over the age of three months shall on or before the first day of July, each year, register such dog with the Town Clerk. No dog shall be registered unless there is first exhibited to said Clerk a certificate of proof to the effect that said dog has been vaccinated in accordance with the N.C. State Health Codes. The Clerk shall issue to the owner or custodian of such registered dog a tag to be affixed to a collar around the neck of such dog and displayed visible upon such dog at all time.
- b) Any dog not displaying such tag shall be after the period of one month and notification of owner considered a "stray" within the corporate limits.
- c) Strays - all dogs not claimed by owner or affixed with said tag in this article shall be turned over to animal control authorities.
- d) No owner or custodian of any female dog shall allow such dog to run at large while in heat within the city limits. If knowingly permitted by owner, owner shall be guilty of a misdemeanor.

Section 5. **Barking Dogs.** It shall be unlawful for any resident of the Town of Bakersville to keep a dog, or dogs, in the corporate limits, or within the vicinity of the corporate limits, that barks habitually or repeatedly in such a manner that noise shall disturb the comfort and repose of any person within the Town of Bakersville.

Section 6. **Dog Bites: 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, must be kept in a secure enclosure, or be accompanied by a person who, by means of a leash, have such dog firmly under control at all times.

Section 7. **Property Damage.** All owners of dogs, horses, goats, cattle, or other animals are liable for any damage to property of the citizens within the Town of Bakersville.

ARTICLE IV - DOGS*

***State Law reference: Dogs, North Carolina General Statute Chapter 67**

Section I. **Dog Control Officers.** The Mayor is hereby authorized, in his discretion, to appoint a Dog Control Officer for the purpose of establishing and maintaining a dog control program and enforcing the provisions of this article. Any dog control officer may also be a police officer of the town. The Dog Control Officer will enforce laws, ordinances, and investigate dog abuse and bites, seize and impound animals, levy fees and fines, and do all necessary things associated with the enforcement of this article.

Section II. **Cruelty to Dogs.**

- a) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, or abandon subject to conditions detrimental to its health or general welfare any dog, or to cause or produce such action.
- b) The words "torture" or "torment" as used in this section, shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of dogs under the jurisdiction and regulation of the state wildlife

resources commission, or to prohibit Dog Control Officer or duly authorized persons or veterinarians from destroying dangerous, unwanted, or injured dogs in a humane manner, or to prohibit the lawful use of dogs in scientific research, or legitimate pest control activities.

- c) It shall be unlawful for any owner or keeper to fail to provide his dog with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal in good health and comfort, to the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.

Section III. **Registration of dogs required.** All dogs kept, harbored or maintained in the town shall be registered with the town clerk and the Dog Control Officer. In addition to the name and address of the owner, such registration shall include the dog's name, breed, color, sex, rabies vaccination number, and if the dog has been spayed or neutered. The provisions of this section shall not be intended to apply to dogs of owners which are nonresidents temporarily within the town for not more than 30 days, or to dogs brought into the town for the purpose of aiding a blind person from place to place.

Section IV. **Fee for Dog Registration.** There will not be an annual fee or tax for dog registration.

Section V. **Dogs running at large.**

- a) It shall be unlawful for any dog owner or keeper of any dog to permit such dog to run at large. All dogs must be restrained by fencing, leash, or other physical, electrical or mechanical restraint at all times.
- b) This section does not prohibit leashed dogs on public roadways or sidewalks so long as the owner or keeper complies with this section. Seeing eye dogs in service to the visually impaired or dogs in service to law enforcement personnel are exempt.

Section VI. **Control of Dangerous Dogs or Potentially Dangerous Dogs.**

- a) An owner of a dangerous or potentially dangerous dog shall take precautions against attacks by such dogs resulting in serious bodily injury to a person or any other animal. Determination of a dangerous or potentially dangerous dog shall be in accordance with North Carolina General Statute 67-4.1. The Town Alderman will designate a Council to be responsible for determining when a dog is considered dangerous. The Council shall be composed of the Director of Mitchell County Animal Rescue, and two (2) public citizens.
- b) It shall be unlawful for any person to keep any vicious or dangerous domestic dog within the town unless it is confined within a secure building or enclosure, or it is securely muzzled and under restraint by means of a leash, chain, or rope and firmly under control at all times.

State Law reference: Authority to regulate, restrict and prohibit the possession or harboring of dangerous animals, North Carolina General Statute 160A-187.

Section VII. **Dogs Creating a Nuisance.**

- a) Prohibited. It shall be unlawful for an owner or keeper to permit a dog to create a nuisance, or to maintain a nuisance created by a dog.
- b) Abatement Procedure. Compliance shall be required as follows:

- (d) When a Dog Control Officer, law enforcement officer or duly authorized person observes a violation, the owner or keeper will be provided written notification of such violation and be given 48 hours from the time of notification to abate the nuisance.
 - (e) Upon receipt of a written, detailed and signed complaint being made to Town Hall stating that a dog is causing a nuisance; the owner or keeper of the dog in question will be notified that a complaint has been received, and shall receive notification of the complaint from the dog control officer and a report and findings will be made and put into writing.
 - (f) If written findings indicate that the complaint is justified, then the dog control officer will notify the owner or keeper of the dog in question in writing. The nuisance must be taken care of within 48 hours by whatever means may be necessary. If the owner or keeper of the dog is unknown and cannot be ascertained, the notice and order, along with a general description of the dog, shall be posted for 48 hours at the animal shelter, town hall, and county courthouse. If after 48 hours the owner or keeper of the dog remains unknown, the dog may be impounded and taken to the animal shelter. Impounded Animals will be subject to impoundment fees in accordance with Mitchell County Animal Shelter approved policies and procedures.
- c) Violations. It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this Section.

Section VIII. **Barking Dogs.**

- a) It shall be unlawful for any person to own, keep, or have within the town any dog that habitually or repeatedly barks or makes other sounds that tend to annoy or disturb one or more citizens so as to interrupt the sleep or tranquility of one or more persons in the general neighborhood on a regular basis. The dog control officer shall make this determination based on an investigation, and the complaint must be jointly signed by the complainant and the investigating officer.
- b) Second. and subsequent violations of the prohibition against barking dogs in subsection (a) above shall be deemed to occur for each separate barking event which may be complained of, occurring within 30 days of the date the initial complaint is signed by the investigator, or within 30 days of the last previous complaint after the signing of the initial complaint by the investigator, whichever last occurs.

Section IX. **Compliance with State Rabies Laws.**

- a) It shall be unlawful for any animal owner or keeper to fail to comply with the state laws relating to the control of rabies.
- b) It is the purpose of this article to supplement state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

State Law reference: Rabies, North Carolina General Statute 130A-184

Section X. **Vaccination of dogs is required.**

- a) It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog four months of age or older. Should it be deemed necessary by the local health director or the local board of health that other pets be vaccinated in order to prevent a threatened epidemic or control an existing epidemic, it shall be unlawful for any owner or keeper to fail to provide current vaccination against rabies for the dog.
- b) A rabies vaccination shall be deemed current for a dog if two vaccinations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

CHAPTER 8 - BUILDING CODES

ARTICLE I

Section 1. **Building Inspector.** The building inspector shall be the County Building Inspector for Mitchell County. The Town has contracted with the county for this service of items of the agreement

ARTICLE II – MANUFACTURED HOUSING

Section 1: **Definition:**

- a) **Manufactured home:** A dwelling unit that (1) is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; (2) exceeds thirty-four (34) feet in length and ten (10) feet in width; and (3) is not constructed in accordance with the standards set forth in the North Carolina State Building Code.
- b) **Mobile home:** Synonymous with manufactured home, defined above. The term "manufactured home" is considered to be more accurate terminology for the variety of factory built homes now being constructed which includes units intended for permanent sites as well as transient use.
- c) **Modular home:** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Section 2. **Appearance Criteria for Manufactured Homes.**

- a) The manufactured home shall have a minimum width of ten (10) feet.
- b) The towing apparatus, wheels, axles, and transporting lights shall be removed or concealed.
- c) The longest axis of the manufactured home shall be oriented parallel or within a ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Planning Board following a public hearing.
- d) The manufactured home shall be set up in accordance the standards established by the North Carolina Department of Insurance. The manufactured home must be under skirted, providing complete enclosure from the ground up to the perimeter

to eliminate the exposure of the undercarriage of the unit. Skirting materials must be compatible with the exterior finish of the manufactured home.

- e) Should additions and/or improvements be made to manufactured homes, the following criteria regarding siding and roofing shall be followed:

The exterior siding shall consist of one or more of the following:

- (a) Vinyl or aluminum lap siding reflectivity not to exceed that of a flat white paint;
- (b) Cedar or other wood siding;
- (c) Wood grain, weather resistant press board siding;
- (d) Stucco siding;
- (e) Brick or stone;

which shall be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

Roofing applications shall:

- (f) provide a pitch with a minimum vertical rise of three and one half (3 1/2) feet for each twelve (12) feet of horizontal run;
 - (g) be finished with a Class C or better roofing material that is commonly used in standard residential construction; and
 - (h) provide an eave projection of no less than six (6) inches, which may include a gutter.
- f) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed in compliance with the standards of the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of sixteen (16) square feet. It is the intent of this subsection to prohibit the use of wood stairs only at any entrance to a manufactured home.

It is the intent of these criteria to ensure that a manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, residential dwelling.

Section 3. **Municipal Notification and Permit Requirements.** Bakersville Town Clerk shall be notified within fifteen days after locating manufactured home on lot. Approval for water/sewer connections shall be sought from the Town Clerk. Thereafter, but before occupancy of the dwelling, a manufactured home permit shall be obtained from the Mitchell County Building Inspector.

Section 4. **Transporting Manufactured Home.** Damage to Town property occurring during the transportation of a manufactured home shall be the responsibility of the homeowner and/or carrier. Town property shall include, but not be limited to: streets, sidewalks, street signs, traffic signs, utilities, and real property.

Section 5. **Manufactured Homes on Individual Lots.** A manufactured home, as defined above, may be placed on any individual lot where such use is permitted. The responsibility for water and sewer line installation and maintenance is set forth in Bakersville Ordinance Chapter 8.

Section 6. **Manufactured Home Park Requirements.**

- a) In order to operate, alter, or maintain a manufactured home park in the Town of Bakersville, the applicant shall first present to the Planning Board an application for a permit to develop a manufactured home park. This permit shall include the following:
 - (a) The developer shall submit to the planning board at least fifteen (15) days prior to a regularly scheduled meeting:
 - 1) Five (5) black or blueline prints of a proposed sketch development plan and specifications for a park.
 - 2) One (1) signed statement by the developer describing the proposed use of the land.
 - (b) Such further information as may be required by the Planning Director or his designee, County Health Department, or Planning Board.
- b) Upon approval of the sketch development plan and specifications, etc. described above, the developer shall prepare final plans and specifications for the Planning Board conforming to the following requirements:
 - (a) The areas of the manufactured home park site shall have no more than two (2) manufactured homes per gross acre. If the park is less than one acre, then the ratio of two (2) homes per acre shall be applied.
 - (b) Each manufactured home space shall be designed so as to have a minimum of sixteen (16) feet of yard space on the front entrance of the manufactured home, ten (10) feet on the rear, twenty (20) feet on the trailer hitch end, and ten (10) feet on the opposite end. Parking shall be permitted when designed into any yard area.
 - (c) Access to the park shall be directly from the public maintained road. Two way access streets with the park shall be paved twenty-two (22) feet wide. One-way streets shall be paved eighteen (18) feet wide. All manufactured home spaces shall have access to a street and there shall be no less than (2) off- street parking spaces for each manufactured home space which shall be accommodated in parking bays.
 - (d) Each manufactured home space shall have a concrete patio at least six (6) feet wide containing a minimum of one hundred eighty (180) square feet which shall be joined to the parking bay by a paved walk. An unenclosed canopy, not over eight (8) feet wide, may be placed over the patio and shall not be considered as an infringement on the yard requirements.
 - (e) Every manufactured home park shall be located on ground that is above any probable flooding from any natural water course and shall be graded so as to prevent the accumulation or ponding of water on the premises; shall have all drainage of the park confined or piped in such a way that it will not endanger any water supply.
 - (f) The site proposed may have a sign advertising the manufactured home park; such sign shall not exceed twelve (12) square feet in area.
 - (g) Connection to the Bakersville water system, shall be made and its supply shall be used exclusively. All water piping shall be constructed and maintained in accordance with state and local laws. Individual water

service connections shall be provided for direct use at each manufactured home space and shall be so constructed that they will not be damaged by the parking of manufactured homes. The park shall provide sewage disposal into the Town of Bakersville sewer systems and shall comply with state and local laws and regulations. Each manufactured home space shall be provided with at least a four-inch sewer connection. The sewer connection shall be provided with suitable fittings so that a watertight connection can be made between the manufactured home drain and the sewer connection. Such individual manufactured home connections shall be so constructed that they can be closed when not linked to a manufactured home.

Sewer line shall be constructed in accordance with recommendations and standards of the County Health Department. All sewer lines shall be adequately vented and shall be laid with sufficient earth cover to prevent breakage from traffic. The responsibility for water and sewer line installation and maintenance is set forth in Bakersville Ordinance Chapter 5.

- (h) It shall be the responsibility of the manufactured home park developer/manager to ensure that the requirements set forth in the above section entitled "Municipal Notification and Permit Requirements" have been complied with prior to allowing occupancy of a park dwelling. The developer/manager shall maintain a current and complete record including the identity, address, and telephone number of each owner of a manufactured home located within park.

CHAPTER 9 – ESTABLISHING A PLANNING BOARD

ARTICLE I

Section 1. **Creation.** The Mayor and Town Council hereby establish the Bakersville Planning Board for the Town of Bakersville, under the authority granted in the General Statutes of N.C., Chapter 160A-361.

Section 2. **Composition and Vacancies.** The Bakersville Planning Board, hereinafter referred to as the "Board" shall consist of five (5) members. All Board members shall be citizens and residents of the Town of Bakersville and shall be appointed by the Town Council. The initial appointments to the Board shall be made as follows: two (2) members shall be appointed for a term of three (3) years, two (2) members shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year. As the terms of these five (5) members expire, new appointments for terms of three (3) years shall be made. Vacancies, occurring for reasons other than expiration of appointed terms, shall be filled as they occur by the Town Council for the period of the unexpired term. Regular attendance of the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board.

Section 3. **Organization; Rules' Meetings: and records.** Within thirty (30) days after appointment, the Board shall meet and elect a chairman, vice-chairman, secretary, and create and fill other officers as it may determine. The term of the chairman and other officers shall be one (1) year, with eligibility for re-election. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance, and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Board shall hold at least one meeting monthly and all of its meetings shall be open to the public. There shall be a quorum of three (3) Board members for the purpose of taking any official action required by this ordinance.

Section 4. **Expenditure; Incurring Indebtedness; Donations.** The expenditures of the Board, exclusive of gifts or grants, shall be within the amounts appropriated for the purpose by the Governing Body, and no indebtedness for which the Town shall be liable shall be contracted or incurred by the said Board unless an appropriation is made by the Governing Body for such purpose, as authorized by law, and then only to the extent such appropriation. The Board shall have the right to accept gifts and donations for the exercises of its functions and may expend the money received from such gifts and donations in a manner, which in the judgment of the Board is consistent with the best interest of the planning program.

Section 5. **Powers and Duties.** The Board shall have the power to perform the following duties:

- a) Make studies of the area within its jurisdiction and surrounding areas;
- b) Determine objectives to be sought in the development of the study area;
- c) Prepare and adopt plans for achieving these objectives;
- d) Develop and recommend policies, ordinances, administrative procedures and other means of carrying out plans in a coordinated and efficient manner;
- e) Advise the Town Council concerning the use and amendment of means for carrying out plans;
- f) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct;
- g) Perform any other related duties that the Town Council may direct.

CHAPTER 10 – BAKERSVILLE VOLUNTEER FIRE DEPARTMENT

ARTICLE I

BE IT ORDAINED by the Mayor and the Town Council for the Town of Bakersville, that a department to be hereafter known as the Bakersville Volunteer Fire Department, the object of which shall be the prevention and extinguishment of fire and the protection of life and property within the corporation of the Town of Bakersville and adjoining Rhododendron Fire District is hereby created as follows:

Section 1. Officers.

- a) The department shall consist of a Chief and as many assistant chiefs and other officers as may from time to time be deemed advisable for the effective operation of the department
- (b) The Chief shall be appointed or elected. As determined by the by-laws of the Volunteer Fire Department of the Town of Bakersville
- (c) The Chief shall be held accountable to the Mayor and the Town Council only and make such regular verbal or written reports thereto as the Mayor and the Town Council or the by-laws require. All other department and company officers shall be accountable to the Chief only.

Section 2. Duties of the Chief.

- a) The Chief shall formulate rules and regulations to govern the personnel, morale and general efficiency of the department as he deems necessary and shall be

responsible to the Mayor and Town Council and the Board of Trustees for the operations of the department.

- b) The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel, and other information records about the work of the department.
- c) The Chief shall make such written or oral reports to the Town Council and Mayor, to the condition of the apparatus and equipment, the number, location, cause, date and losses of all fire and of the membership of the organization as shall be required by the by-laws.
- d) The Chief shall make an annual report to the Town Council and Mayor within one month after the close of the fiscal year including the information specified in (c) above with recommendations for improving the effectiveness of the department.

Section 3. **Membership.**

- a) The membership of the department shall consist of such persons as are selected in accordance with the by-laws of the Bakersville Volunteer Fire Department.
- b) Any member may be suspended or discharged as provided by the by-laws.

Section 4. **Equipment.**

- a) The department shall be quipped as may be required from time to time to maintain its efficiency and protect life and property from fire.
- b) All equipment and other apparatus shall be safely and conveniently housed in such places as may be designated by the Chief.

Section 5. **Solicitation of Funds.**

- a) The Volunteer Fire Department of the Town of Bakersville shall have the authority to solicit funds by means of honorary membership or otherwise.

Section 6. **Assistance to unincorporated area.**

- a) The Fire Department shall answer all fire calls within the Town limits and the Rhododendron Fire District at no charge. For all services outside the district a minimum of \$250.00 shall be charged for calls answered. However, the department may in its discretion waive these charges for members or holders of honorary membership in the department.
- b) In the event that the Town agrees with the county, or the owners of property outside the district to provide fire protection therefor, any employee of the fire department, while engaged in any duty or activity outside the fire district pursuant to orders of the fire chief or town council, shall have all of the jurisdiction, authority, rights, privileges and immunities, including coverage under the workmen's compensation laws, which they have within the fire district.

Section 7. **Alterations of property, etc.**

- a) Any major changes, alternations, or improvements upon the property, equipment, or apparatus of the department or of the Town being used by the department shall be approved by the Mayor and the Town Council.

Section 8. **Audit.**

- a) The fire department shall submit to and be included within the annual audit held for the Town of Bakersville.

Section 9. **Truck and personnel kept available.**

- a) The Chief shall at all times ascertain that at least one fire truck and sufficient personnel for the adequate operation of the same shall be kept within the limits for the Town of Bakersville and shall be responsible for having the same in good operating condition and available for duty.

Section 10. **Criminal provisions.**

- a) It shall be unlawful for any person other than a member in good standing of the Bakersville Volunteer Fire Department to be in or on any fire truck, or to in any manner handle, operate or otherwise use any equipment of the fire department or to otherwise interfere with the proper operation of the department and its members unless specifically requested to do so by the Chief or in his absence by the members in charge.

Section 11. **General Authority.**

- a) The officer in command shall have authority to summon aid and no citizen so summoned may refuse to help in extinguishing the fire or in protection exposed property.
- b) During the continuance of a fire, the Fire Chief, his assistant or the Mayor shall have authority to call upon any citizen to render assistance to pulling down or demolishing any building or in removing goods or furniture from a building on fire or in danger of fire, but not without the consent of the officer of the fire department or the police department who may be in charge.
- c) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the fire department.
- d) In the event of an alarm of fire the apparatus of the fire department responding to it shall have the right-of-way in and upon all streets, lanes, alleys, and other public ways.
- e) The drivers of vehicles, upon the approach of a fire apparatus shall immediately bring their vehicle to a stop on the right hand side of the street in the direction in which they are facing and shall not move their vehicle until such apparatus has passed.

Section 12. **Interfering with fire alarm apparatus.**

- a) No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes, or other apparatus connected therein.

ARTICLE II - Fire Hazard

Section 1. **Authority to act.**

- a) The Fire Marshall shall be appointed by the Town Council of the Town of Bakersville at the December meeting of the newly elected Council for the term of two (2) years.

- b) The Fire Marshall is hereby empowered under the authority of the Mayor and Town Council to enter any or all the premises with the corporate lines of the Town of Bakersville within any reasonable hours after notifying the property owner. The Fire Marshall shall conduct his inspections according to his knowledge and if such premises is found hazardous of the fire, notify the property owner/owners by written notice as the condition with inspections for corrections of conditions.

Section 2. **Encumbrances before or on fire exit.**

- a) No person shall at any time place any encumbrances of any kind whatsoever before or upon any fire escape, balcony or ladder intended as a means of escape from fire. It shall be the duty of the police and fire department and building inspector who shall discover any fire escape encumbered in any manner to forth with report the same through his department channels to the Chief of the fire department who shall immediately notify the owner/owners, their agent or agents, tenant or tenants, to remove such encumbrance and the encumbrance shall be immediately removed.

Section 3. **Exit signs in theatres and motion picture houses.**

- a) Every exit in any theatres and motion picture house shall be plainly indicated by a sign bearing the work "Exit", which shall be kept lighted throughout each performance.

Section 4. **Used car lots and parkings restricted.**

- a) There shall be no used car lot established within the fire zone of the Town of Bakersville and no other car shall be parked inside said fire zone for more than 24 hours that is not in running condition and can be moved at any time.

Section 5. **Passageway in place of public assemblage to be kept open; exit doors not to be fastened.**

- a) All doors, aisles, and passageways within and leading into out of theatres, churches and all other places of public assemblage, shall during the entire time which any show, performance, service, exhibition, lecture, concert, ball or other assemblage may be held therein, be kept adequately lighted and free from easels, signs, standards, campstools, chairs, sofas, benches and any other article or articles that might obstruct or delay the exit of the audience, congregation or assemblage; and doors.

CHAPTER 11 – ALCOHOLIC BEVERAGES

ARTICLE I

Section 1. Consuming, serving or displaying in or on public streets, sidewalks, etc.

- a) No person shall consume, service and display malt beverage or unfortified wine, as defined by section 18B-301 of the General Statutes of North Carolina, in or on the public streets, boulevards, alleys, parks, sidewalks or public buildings within the Town.

ARTICLE II

PROHIBIT THE CONSUMPTION, ETC., OF MALT BEVERAGES AND UNFORTIFIED WINE ON PROPERTY OWNED OR OCCUPIED BY THE TOWN OF BAKERSVILLE.

Section 1. For the purposes of this ordinance the terms "malt beverage" and "unfortified wine" shall have the same meaning as those terms are defined in N.C. General Statutes 18A-2.

Section 2. It shall be unlawful, except as hereinafter provided, for any person, corporation or organization to possess, sell, purchase, transport or consume malt beverages or unfortified wine on any property owned or occupied by the Town of Bakersville or by its agencies or subsidiaries. Except that it shall not be a violation of this section for the Town of Bakersville Police Department or other town employees or official to possess malt beverages or unfortified wine, which is to be used as evidence in any criminal prosecution.

CHAPTER 12 - FLOOD DAMAGE PREVENTION ORDINANCE

STATUTORY AUTHORIZATION, The legislature of the State of North Carolina has in Part 6, Article 21, of Chapter 143; parts 3 and 4 of Article 18 of Chapter 153A of the N.C. General statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

Attachment 1 – Mitchell County’s Flood Prevention Ordinance

CHAPTER 13 – REGULATION OF FIREARMS, AIR RIFLES, SLING GUNS

ALL TYPE OF DEVICES WHICH IMPELS FORCE

Section 1. **Discharge Prohibited.** It shall be unlawful and it is hereby prohibited for any person to shoot or discharge within the corporate limits of the Town of Bakersville any device or similar device which impels with force a shot of any kind.

Section 2. **Confiscation Authorized.** The Chief of Police or any member of the police department acting in behalf of the Chief of Police is hereby authorized to seize and hold, subject to order of the court any such device or similar devices which impels with force of any kind which shall be used or discharged in any way within the Town of Bakersville is a violation of this ordinance.

Section 3. **Devices.** The following are devices that cannot be discharged in the corporate limit of the Town of Bakersville.

- a. Gun (Pistol, Shot, or Rifle)
- b. Spring Gun (Pistol or Rifle)
- c. Compressed Air Gun (Rifle or Pistol)
- d. Compressed Air Pellet Gun (Rifle or Pistol)
- e. Bow's (Crossbow or Standard , Compound, or Recurve)
- f. Sling Shot
- g. Cannons (At the written request and approval of the Town Council.)

CHAPTER 14 - RHODODENDRON PARK

Section 1. It shall be unlawful for any person or groups of persons to assemble or collect in any way or manner on or about the property hereby referred to as the "Rhododendron Park," during the period each day from sunset to sunrise.

Section 2. No person shall park or leave unattended any vehicle on the paved or unpaved portion of the Rhododendron Park during the period each day from sunset to sunrise.

- a) In the event the vehicle has been left unattended and the driver is not present, the owner or person to whom the vehicle is registered, shall be responsible for the parking violation.

Section 3. When any vehicle is parked or left unattended for a period of forty-eight (48) hours or more, the owner shall be deemed to have appointed the investigating law-enforcement officer his agent for the purpose of arranging for the transportation and storage of such vehicle and such investigating law enforcement officer shall be deemed a legal possessor of the vehicle within the meaning of that term as it appears in G.S. 20-44A-2 (d).

CHAPTER 15 – ANNEXATION – CHARLES NASH PROPERTY

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BAKERSVILLE CHARLES NASH PROPERTY

WHEREAS, the Board of Aldermen for the Town of Bakersville has been petitioned under G.S. 160A-58.1, as amended, to annex the area described herein, and

WHEREAS, the Board of Aldermen has by resolution directed the Clerk to investigate the sufficiency of said petitions; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of the annexation was held at Bakersville Town Hall at 6:00 P.M. o'clock on the 30th day of March.

WHEREAS, the Board of Aldermen further finds that the area described therein meets the standards of G.S. 160A-58, to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town of Bakersville.
- b. No point on the proposed satellite corporate limits is closer to another city than the Town of Bakersville.
- c. The area described is so situated that the Town will be able to provide services on the same basis within the proposed satellite corporate limits that is provides within the primary corporate limits,
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation,
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Bakersville; and

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

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

NOW, THEREFORE, BE ORDAINED by the Board of Alderman of the Town of Bakersville, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A58.2, as amended, the following described non-contiguous territory is hereby annexed and made part of the Town of Bakersville, as of the 13th day of April, 1992.

Contained in the parcel of land known as Lot # 1 of the Frances McKinney Estate, for reference begin at the survey point labelled 18 inch walnut at the corner of the first bridge on White Oak Rd. Go to the survey iron 330.07 feet in a northeast direction 52 degrees 30 minutes, reaching another survey iron. From there follow the survey 182.06 feet in a southwest direction 89 degrees 33 minutes, reaching another survey iron.

From there follow a line 257.19 feet in a northeast direction 47 degrees 58 minutes. This reaches the back right corner of a brick two story house.

The territory to be annexed is a rectangle 66 feet in a northeast direction by 33 feet in a southeast direction containing the house and 2178 square feet of real property, as pictured in the map accompanying.

Section 2. Upon and after the 13th day of April, 1992, the above described territory and its citizens and property shall be all debts, laws, ordinances and regulation in force in the Town of Bakersville and shall be entitled to the same privileges and benefits as other parts of the Town of Bakersville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Bakersville shall cause to be recorded in the Office of the Register of Deeds of Mitchell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Mitchell County Board of Elections required by G.S. 163288.1.

Adopted 4/13/92

CHAPTER 16

ORDINANCE TO PROHIBIT OIL AND GAS DRILLING IN THE JURISDICTION OF THE TOWN OF BAKERSVILLE

PROHIBITED OIL AND GAS DRILLING

Findings; purpose; authority

Definitions

Drilling prohibited; penalties; enforcement

FINDINGS; PURPOSE; AUTHORITY.

- (1) It has been found and determined that the horizontal drilling for gas and oil with fracturing or "fracking" methodology in oil and gas drilling operations are activities that adversely impact the environment, interfere with the rights of citizens in the enjoyment of their property, and have the potential for adversely affecting the health, safety, and well-being of persons living and working in and around areas where such horizontal drilling with fracturing drilling operations exist. Accordingly, it is found that the horizontal drilling of oil and gas wells with fracturing in oil and gas well operations if performed within the corporate limits of the city, or within the extraterritorial planning jurisdiction of this municipality constitutes a public nuisance and a threat to public health.
- (2) It is also found and determined that the processes know as horizontal drilling, fracturing, or "fracking" have an increased level of potential harm which includes, but may not be limited to contamination of groundwater and hazards associated with the storage, treatment and transportation of the water or other liquids after being used in the process of horizontal drilling with fracturing. As the exact makeup of the byproducts of this process vary from drilling company to drilling company and are currently not known, the scope of the threat to human life and health is uncertain. These potential hazards associated with horizontal drilling with fracturing, or

"fracking," may adversely impact the citizens, drinking water supply, and property within the city, even though the horizontal drilling with fracturing activity may take place outside of the corporate limits of the city or outside of its extraterritorial jurisdictional planning area.

(3) It is also found and determined that that drilling for gas and oil with fracturing or "fracking" methodology in oil and gas drilling operations are activities that emit or produce substances or effluents that tend to pollute or contaminate land, water, or air, rendering or tending to render it injurious to human health or welfare, to animal or plant life or to property, or interfering or tending to interfere with the enjoyment of life or property within the corporate limits of the city, or within the extraterritorial planning jurisdiction of this municipality constitutes a public nuisance and a threat to public health.

(4) It is also found and determined that the drilling for gas and oil with fracturing or "fracking" methodology in oil and gas drilling operations are activities that would result in the sale, possession, storage, use, or conveyance of corrosive or inflammable substances within the corporate limits of the city, or within the extraterritorial planning jurisdiction of this municipality constitutes a public nuisance and are a threat to the public health.

a) By authority set forth in the G.S. §§ 160A-175, 183, 185, and 193, the city shall have the authority to (1) summarily remove, (2) abate, (3) or remedy everything in the city limits, or within one half mile thereof that is considered dangerous or prejudicial to the public health or public safety.

DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRILLING. The sinking, drilling, boring, or digging of a shaft or hole in the earth for any purpose in conjunction with the production of oil or gas.

FRACTURING or FRACKING. Any method used to increase the inherent productivity of an oil or gas well by injecting, shooting or pumping water, chemicals, or any other substance into a well.

GAS. All natural gas and all other fluid hydrocarbons not defined as oil therein.

HORIZONTAL DRILLING. The drilling of an oil or natural gas well at an angle to the vertical, so that the well runs parallel to the formation containing the oil or gas.

OIL. Natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoirs.

PERSON. Any natural person, corporation, firm, partnership, association or corporation that owns, manages, operates, controls, or possesses a well as principal, or as a lessee or contractor, employee, or agent of such principal.

WELL. Any shaft or hole drilled, sunk, bored, or dug into the earth or into underground strata for the extraction or injection or placement of any oil, liquid or gas; or any shaft of hole sunk or used in conjunction with such extraction or injection using fracturing or fracking methods.

DRILLING PROHIBITED; PENALTIES; ENFORCEMENT.

(A) Drilling a well for the purpose of extracting or storing oil or gas using horizontal drilling with fracturing or fracking methods within the corporate limits of the city, or within one half mile of the corporate limits of the city is prohibited. For the purposes of calculation the one half mile distance, it shall be measured from the well head.

(B) Any person who violates this section shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) per offense. Each day that such person continues to violate this section after being advised by the Mayor or any law enforcement officer of the city that the law has been violated shall be considered a new offense.

(C) Any person who violates this section shall be subject to a civil penalty of \$50,000.00 per day, and shall be subject to other civil injunctive and equitable relief to prevent the violation of this ordinance. Additionally, the Town shall be entitled to all other remedies provided for the enforcement of ordinances set out in § 160A-175 of the General Statutes.

(D) The Mayor shall have the authority to direct the City Attorney or any such other legal counsel as may be employed, to institute a civil action seeking injunctive relief to prevent the violation of this chapter.

Ordinance Adopted by the Bakersville Town Council _____, 2021

Be it ordained that the penal section of the following Code of General Ordinances has been updated and modified as authorized by G.S. 160A-175, to include the imposition of civil penalties, the ordering of appropriate equitable relief, including injunctions, or a combination of remedies. This modified and updated version is contained within chapters 1 through 16, as listed and as in the Book of General Ordinances.

PENALTY FOR ORDINANCE VIOLATIONS

- (a) The violation of any provision of an ordinance of the Town of Bakersville shall subject the offender to a civil penalty in the amount of \$50.00 to be recovered by the Town of Bakersville.**
- (b) Violators shall be issued a written citation which must be paid within 10 days.**
- (c) Each day's continuing violation of this ordinance shall be a separate and distinct offense.**
- (d) Violation of this ordinance shall not constitute a misdemeanor or infraction punishable under North Carolina General Statute's section 14-4.**
- (e) Notwithstanding subsection (a) above, this ordinance may also be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.**

This update was ratified, approved duly passed and adopted in a regular meeting duly assembled and in full force and effect this, ____ day of _____, 2021