

ORDINANCES  
TOWN OF VANCEBORO, NC

The following are ordinances adopted by the Board of Alderman for the Town of Vanceboro, NC. Any violation of these ordinances shall result in a fine not to exceed \$500.00 or jail not to exceed thirty days in the discretion of the court in accordance with General Statute 14-4 of the North Carolina General Statutes unless a specific amount shall be attached to any violation by the Board of Aldermen.

This revised edition of the Ordinances for the Town of Vanceboro are hereby adopted by the Board of Alderman, this 13 day of July 1992.

Signed Jimmie L. Morris  
Jimmie L. Morris, Mayor

Section A. Alcoholic Beverages

A-1 Sale and Consumption

- (1) It shall be unlawful to consume any alcoholic in any public place during anytime the sale of of such beverage is restricted. (50)
- (2) It shall be unlawful for any person to consume any alcoholic beverage on any public street, public vehicular area, building, park, sidewalk, drive, service station, laundry, supermarket, or any other public place not having an "on premises license for such consumption issued by the State Alcoholic Beverage Control Board. (66)  
Any person violating this ordinance shall be fined a minimum of \$25.00.
- (3) It shall be unlawful to sell or distribute any alcoholic beverage in the town limits of the Town of Vanceboro from 1:00 AM Sunday until 7:00 AM Monday. (50)
- (4) It shall be unlawful to conduct a business to engaged in the sale of "on premises" alcoholic beverages within 500 feet of a church or private residence. This ordinance shall apply to all new businesses. In the event an existing business should close, then reopen under the same or new management it shall be governed by this ordinance. Any business violating this ordinance shall be fined in the amount of \$50.00 per day while in violation.

Section B. Animal Control

B-1 Removal of Dead Animals

It shall be the duty of the occupant of any lot in the town limits to remove any dead animal or other nuisance therefrom within twenty-four (24) hours of the occurrence of death.

B-2 Animals Running at Large

It shall be unlawful for any person to allow any animal under his control to allow such animal to run at large so as such animal shall create a nuisance. (17)

a. An animal running at large shall be deemed creating a nuisance by;

- (1) obstructing traffic
- (2) creating damage to the property of any person,
- (3) overturning or entering any trash receptacle and strewing the contents on any property,
- (4) causing a disruption to the path of any person by causing fear to said person by barking, snarling, snapping, etc.

The owner of such animal will be fined a ~~minimum of \$25.00.~~ *By THE COURT.*

At the direction of the police such animal may be removed. Any expense incurred by the removal of such animal shall be the obligation of the owner.

Any animal removed which has not been claimed by the owner within five days of impoundment shall be disposed of according to North Carolina Law and any expense shall be the obligation of the owner.

B-3 It shall be unlawful for any person to ride or lead any horse or cattle on the sidewalks of the town.(27)

B-4 It shall be unlawful for any person, firm or corporation to pen any cows, goats, horses, hogs within 100 feet of any dwelling within the town limits. (52)

Any person violating this ordinance shall be fined \$50.00, or imprisoned for a period not to exceed 30 days.

B-5 It shall be unlawful for any person to cruelly treat any animal. (6)

B-6 It shall be unlawful to situate any commercial livestock or poultry establishment within the limits of the Town of Vanceboro or within 1000 feet of the said town limits.

SECTION C. PUBLIC HEALTH, WELFARE, PEACE

- C-1 It shall be unlawful for any person to discharge any firearm in the town limits of Vanceboro. Except the police while in the performance of their duty. (4)
- C-2 It shall be unlawful for any person to commit any breach of the peace or indulge in any conduct of any kind at variance with good behavior. (1)
- C-3 It shall be unlawful for any person to:
1. deface or otherwise injure any public building, sign, sign post, or any other public property. (2) (32)
  2. take down, alter or destroy any bill or advertisement legally posted on any property. (8)
  3. discard, throw, place, or dump any trash, cans, bottles, brush, or garbage on any street, sidewalk, public or private lot. (18)
  4. any person to place any box, crate, bottles or any object upon any street or sidewalk so as to obstruct the normal movement of traffic. (19) (3)
- C-4 It shall be unlawful for any person to engage in any fighting, loud or boisterous cursing or swearing or to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct or carriage or by using unseemly, obscene or offensive language or by other disorderly conduct calculated to provoke a breach of the peace in any street, alley, house, dance hall, place of amusement or any other place within the Town of Vanceboro. (67)
- C-5 It shall be unlawful for any person to loiter in any public place or place open to the public in such a manner as shall interfere with or obstruct other members of the public, or cause a breach of the peace, or refuse to comply with a police officer's reasonable order to disperse.

A violation of this ordinance shall be a misdemeanor; providing a maximum penalty of \$50.00 or 30 days in jail.

Definitions:

Loiter: to stand around or remain, or to park or remain parked in a vehicle at any public place or place open to the public and to engage in any conduct prohibited by any ordinance of the Town of Vanceboro. Loiter shall also mean to collect, gather or congregate or be a member of any group or crowd of people numbering three (3) or more who are gathered together in any public place and engaged in conduct prohibited by ordinance of the Town of Vanceboro.

Public Place: any street, road, highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building, parking lot or any vacant lot.

Place open to the public: any place open to the public or any place to which the public is invited, and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemeteries, or any place of amusement and entertainment whether or not a charge of admission or entering thereto is made. It includes the lobby, halls, corridors and areas open to the public of any store, office, or apartment building

Prohibited conduct: any conduct which may interfere, impede, or hinder the free movement of pedestrian or vehicular traffic, or interfere, obstruct, harass, threaten or do bodily harm to any other member of the public.

- C-6 It shall be unlawful for any person to keep a disorderly house or house of ill fame within the town limits. It shall be unlawful for any person who has rented a house to any person or persons who shall use the house for a disorderly house or house of ill fame to fail or refuse to evict such person within fifteen (15) days of notification of such use. (13)
- C-7 It shall be unlawful for any person to indecently expose himself/herself in a any place to view, or do any obscene act in any public place, or write any obscene language or make obscene marks or drawings on any fence or wall in any place within the view of the public. (16)
- C-8 It shall be unlawful for any person to board or attempt to board any moving train. (25)
- C-9 It shall be unlawful for any person, firm or corporation shall use loud speakers attached to musical instruments or any other instrument which produces sound to attract others after 9:30 PM. (37)
- C-10 It shall be unlawful for any business, firm or corporation to participate in the game of billiards and pool between the hours of 12:00 midnight Saturday and 7:00 AM Monday. It shall be unlawful to engage in the game of billiards or pool from 12:00 midnight and 7:00 AM. Any violation of this ordinance shall be guilty of a misdemeanor upon conviction.

C-11 NOISE

(a) Definitions

In addition to common meanings of words, the following definitions shall be used in interpreting Section C-11 and its subparts.

- (1) "A" weighing scale. The sound pressure level, in decibels, as measured with the sound level meter using the "A" weighted network (scale). The standard unit notation is dB(A).
- (2) Ambient base noise level. The average sound pressure level in dB(A) during a reasonable period of time, as determined by employing a sound level meter as described in section C-11(b) and excluding impulsive sounds.
- (3) ANSI. American National Standards Institute or its successor bodies.
- (4) Construction. On site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.
- (5) Daytime hours. 7:00 a.m. to 11:00 p.m., local time.
- (6) dB(A). Sound level in decibels, determined by the "A" weighing scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, S1.4-1971, for a Type 2 instrument.
- (7) Decibel (dB). A unit of measure, on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which for the purposes of section C-11 shall be 0.002 microbars.
- (8) Emergency work. Work made necessary to restore property to a safe condition, work required to protect, provide or prevent persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.



- (9) Nighttime hours. 11:00 p.m. to 7:00 a.m., local time.
- (10) Person. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.
- (11) Sound level. In decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified by ANSI standards.
- (12) Sound level meter. Any instrument certified to meet or exceed ANSI standards which includes an omnidirectional microphone, an amplifier, an output meter and frequency and frequency weighting network(s) for the measurement of sound level.
- (13) Sound magnifying device. Any device or machine for the magnification of the human voice, music or any other sound. "Sound-magnifying device" shall not include emergency warning devices on police, fire, or other emergency vehicles, nor shall include horns or steam whistles which are authorized in section C-11(g).
- (14) Sound pressure level. In decibels, twenty times (20) times the logarithm to the base 10 of the ratio of magnitude of a particular sound pressure to the standard reference pressure. The standard reference is 0.0002 microbars.
- (15) Unnecessary noise. Any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any person or causes damage to property or business.

State law reference—Authority to regulate noise, G.S.160A-184.

## (b) Measurement techniques.

Except for noise within multifamily or multi-tenanted structures, noise measurements shall be made at the nearest corner of the complaining primary structure or complaining utility apartment; but when the measurements in these locations are not practical, noise measurements may be made at the boundary of the public right-of-way which adjoins the complaining property. Such noise measurements shall be made at a height of at least four (4) feet above the ground and at a point approximately ten (10) feet away from walls, barriers, obstructions (trees, bushes, etc) on a sound level meter operated on the "A" weighting network (scale). In the case of noises within multifamily or multitenanted structures, noise measurements shall be made in the complaining unit at a height of at least four (4) feet above the floor and at a point approximately equidistant from all walls on a sound level meter operated on the "A" weighting network (scale).

No individual other than the operator shall be within (10) feet of the sound level meter during the sample period.

Sound measurements shall be conducted at that time of day or night when the suspect noise source is emitting the sound.

The sound level measurement shall be determined as follows:

- (1) Calibrate the sound level meter within one (1) hour of use.
- (2) Set the sound level meter on the "A" weighted network at slow response.
- (3) Set the omnidirectional microphone in an approximately seventy-degree position in a location which complies with the above subsections. The operator of the sound level meter shall face the noise source and record the the meter's instantaneous response (reading) observed at consecutive ten-second intervals until one hundred (100) readings are obtained.
- (4) Recalibrate the sound level meter after use.

It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

C-11

(c) Sound emission standards and limitations.

- (1) Unless otherwise specifically indicated, it shall be unlawful during the daytime or nighttime hours for any person to cause or allow the emission of sound from any source which, when measured pursuant to this section C-11, exceed the maximum decibel limits specified in Table 1 more than ten (10) percent of any measuring period, which shall be the length of time to take one hundred (100) readings at consecutive ten-second intervals.

Table 1. Maximum Noise Limitations  
dB(A)

Zoning districts	Daytime	Nighttime
	(7:00 am to 11:00 pm)	(11:00 pm to 7:00am)
Residential	55	45
Office and institution, Buffer commercial, Shopping Center and Neighborhood Business	60	55
Thoroughfare, Industrial	70	65

- (2) When a noise source can be identified and its sound is measured in more than one district, the average of the noise limitations of the two (2) districts shall apply.
- (3) For any source of sound, the maximum sound level shall not exceed the sound level in Table 1 by 10dB(a).

(4) Notwithstanding the location of hospitals, rest homes, family care homes, group care facilities, public or private or parochial school or day care care facilities, it shall be unlawful for any person to cause or allow the emission of sound onto the structures of such uses which exceeds the maximum noise limitations for residential zoning districts.

(5) For activities which are necessary for railroad operations it shall be unlawful for any person to cause or allow the emission of sound from the boundaries of the railroad right-of-way which exceeds eighty (80) dB(A) for daytime and seventy-five (75) dB(A) for nighttime, without regard for the zoning district of abutting property.

(d) Exception to limitation standards.

The maximum noise limitation standards defined in section C-11(c) shall not apply to the following sources:

- (1) Emergency warning devices or safety signals;
- (2) Lawn care equipment and agricultural field equipment used during daytime hours;
- (3) Equipment being used for construction, provided that all equipment is operated with all standard equipment manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.
- (4) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, sporting activities taking place in areas set aside for such activities, or any activities normally associated with the above;
- (5) Bells, chimes and similar devices which operate during daytime hours for a duration of no longer than five (5) minutes in any given period;
- (6) Emergency work;
- (7) Sixty-cycle electric transformers;
- (8) Emission of sound from any source or sources of public right-of-way.

(e) Vehicular noise limits.

(Reserved)

(f) Unlawful noise.

In addition to any other violation of this Ordinance it shall be unlawful to emit any unreasonably loud or annoying, frightening, loud and disturbing or unnecessary noise. Specifically, it shall be unlawful to emit noise of such character, intensity or duration as to be detrimental to the life or health of any individual.

(g) Prohibited noises.

In addition to any other violation of this Ordinance, the following acts are specifically declared to be unreasonably loud, annoying, frightening, loud and disturbing or unnecessary noise, the emission of which shall be unlawful. Such enumeration shall not be deemed to be exclusive:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, 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 device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) The use of any gong or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles.
- (3) The playing of any radio, phonograph, amplifier, television, tape deck, tape recorder, compact disk player or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel, motel or other type of residence.
- (4) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

- (5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as warning of danger.
- (6) The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) The erection (including excavating), demolition, alteration or repair of any building or other structure in a residential or business district other than between the hours of 7:00 a. m. and 8:30 p.m., except by permit from the Town Board when in their opinion, such work will not create objectionable noise; upon complaint in writing of the occupant of property near the location of the work, the Town Board shall immediately revoke the permit and the work shall be immediately discontinued. The Town Board may permit emergency work in the preservation of public health or safety at anytime.
- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning or court, while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with work of such institution or which disturbs or duly annoys patients in the hospital.
- (9) The creation of loud and excessive noise in connection with loading or unloading any vehicles or the opening or destruction of bales, boxes, crates and containers.
- (10) The shouting and crying of peddlers, barkers, hawkers or vendors which disturbs the quiet and peace of the neighborhood.
- (11) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.

- (12) The conducting, operating or maintaining of any garage or filling station, or the repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be emitted therefrom during the nighttime hours.
- (13) The firing or discharging of firearms in the streets or elsewhere for the purpose of making noise or a disturbance, except by permit from the police department.
- (14) The creation of excessive noise by the operation of an airplane over the town by stunting, diving or otherwise operating an airplane for the purpose of advertising or otherwise.
- (15) No person shall keep or maintain, or permit the keeping of, on any premise, owned, leased, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which, by habitual or frequent sound, cry, howling, barking, squawking, meowing or other noise, shall disturb the quiet, comfort or repose of any person.

(h) Sound magnification.

Except for the purpose of parades and related activities, it shall be unlawful for any person to use or operate on or over any street within the town any radio, phonograph or other similar mechanical device to produce sound or any mechanical loudspeaker or other sound-magnifying device at a level of volume greater than fifty-five (55) dB(A). Any such operation shall be unlawful unless such loudspeaker or other mechanical sound-magnifying device shall be equipped with a meter by which the power output can be registered and determined, so that the volume shall be limited in accordance within the restrictions hereinbefore specified; and it shall be unlawful to operate any such equipment or device without a license from the town as provided by this ordinance. No such equipment or device shall be operated or used on the streets of the town during the period between sunset and 9:00 a.m. Further, no such equipment or device shall be operated to produce magnified sounds along the portion of any street within the block where there is located any school, institution of learning, or court, while the same are in session, or where any hospital, funeral home, undertaking establishment is located or where a funeral is being conducted at any place. Further, no such equipment or device shall be operated on the streets of this town on Sunday.

C-11 (i) Presumption in prosecution for noise violation.

The complaints of two (2) or more persons, at least one of whom resides in a different home from the other complaining person or persons, or the complaint of one or more persons, when combined with the complaint of a duly authorized investigating person, shall be prima facie evidence that such sound is a loud and annoying, frightening, loud and disturbing, unreasonably loud or unnecessary noise.

(j) Burden of persuasion regarding exceptions to noise restrictions.

In any proceeding pursuant to section C-11(a) through C-11(k) of this Ordinance, if an exception is stated in sections C-11(a) through C-11(k) would limit an obligation, limit a liability, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met.

(k) Penalties for violation of noise restrictions.

(1) Civil Penalties

- (a) Any person violating any of the provisions of sections C-11(a) through C-11(i) shall be subject to a civil penalty of not more than one hundred dollars (\$100.00). No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation under this subsection.
- (b) The Board of Aldermen shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person responsible for the violation, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received within sixty (60) days after demand for payment is made, the matter shall be referred to the town attorney for institution of a civil action in the name of the town in the appropriate division of Craven County for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this section.



C-11 (k) (1) (c) As an additional remedy, whenever the board has reasonable cause to believe that any person causes or allows the operation or maintenance of any noise source, in violation of any provisions of C-11(c) through C-11(h) or which causes any unreasonably loud or annoying, frightening, loud and disturbing or unnecessary noise, it may, either before or after the institution of any other action or proceeding authorized by this subsection, institute injunctive relief to restrain the violation. The action shall be brought in the appropriate division of the general court of Craven County. The institution of an action for injunctive relief shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this section.

(2) Criminal penalties. Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor punishable by imprisonment not to exceed thirty days or a fine not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). Each day of a continuing violation shall constitute a separate violation under this subsection.

State law reference-Violations of municipal ordinances, enforcement alternatives, GS 160A-175

C-11 NOISE

(a) Definitions;

In addition to common meanings of words, the following definitions shall be used in interpreting Section C-11 and its sub-parts.

(1) Construction - On site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including but not restricted to, clearing of land, earth moving, blasting and landscaping.

(2) Daytime hours - 7:00 A.M. to 8:00 P.M local time.

(3) Emergency work - Work made necessary to restore property to a safe condition, work required to protect, provide or prevent persons or property from danger or potential danger; or work done by private or public utilities when restoring utility service.

(4) Nighttime hours - 8:00 P.M. to 7:00 A.M local time.

(5) Person - Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

(6) Unnecessary noise - Any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which does annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any person or cause damage to property or business.

Section C-11

(b) No person shall play, use or operate or permit to be played used, or operated, any radio, tape recorder, cassette player or other machine or device for reproducing sound, and is played at an unnecessary noise level, and is located in or on any of the following :

(1) Any public property, including any public street, highway, building, sidewalk, park, thoroughfare, or public or private parking lot; or

(2) Any motor vehicle on a public street, highway, public space or within the motor vehicular area of any public or private parking lot, or park; and if at the same time the sound generated is audible at a distance of thirty(30)feet from the radio, tape recorder, cassette player, or other machine or device that is producing the sound.

(c) Possession by a person or persons of any radio, tape recorder, cassette player, or other machine or device for reproducing sound as enumerated in subsection (a) above, shall be prima facie evidence that such person operates, or those persons operate, the radio, tape recorder, cassette player, or other machine or device for reproducing sound.

(d) EXCEPTIONS TO NOISE ORDINANCES:

The following shall not be considered unnecessary noise;

- (1) Emergency warning devices or safety signals.
- (2) Lawn care equipment and agricultural field equipment used during daytime hours;
- (3) Equipment being used for construction, provided that all equipment is operated with all standard equipment manufacturer's muffler's and noise reducing equipment in use and in proper operating condition;
- (4) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, sporting activities taking place in areas set aside for such activities or any activities normally associated with the above.
- (5) Bells, chimes and similar devices which operate during daytime hours of no longer than (5) five minutes in any given period;
- (6) Emergency work;
- (7) Sixty-cycle electric transformers;
- (8) Emission of sound from any source or sources of public right of way.

(e) VEHICULAR NOISE LIMITS

(Reserved)

(f) UNLAWFUL NOISE

In addition to any other violation of this ordinance, the following acts are specifically declared to be unreasonably loud, annoying, frightening, loud and disturbing or unnecessary noise, the emission of which shall be unlawful. Such enumeration shall not be deemed to be exclusive;

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal, or if in motion as a danger signal after or as the brakes are being applied and deceleration of the

vehicle is intended, the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sound of such device for any unnecessary and unreasonable period of time;

(2) The use of any gong, or siren upon any vehicle other than police, fire, ambulance or other emergency vehicles;

(3) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise;

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;

(5) The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom,

(6) The erection (including excavation), demolition, alteration or repair of any building or other structure in a residential or business district other than between the hours of 7:00 AM and 8:00 PM, except by permit from the town board when in their opinion, such work will not create objectionable noise. Upon written complaint from the occupant of property near the location of the work, the town board shall immediately revoke the permit and the work shall be immediately discontinued.

(7) The creation of any excessive noise on any street adjacent to any school, institution of learning or court, while the same are in session or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with work of such institution or which disturbs or duly annoys patients in the hospital,

(8) The creation of loud and excessive noise in connection with loading or unloading any vehicles or the opening or destruction of bales, boxes, crates and containers,

(9) The shouting and crying of peddlers, barkers, hawkers or vendors which disturbs the quiet and peace of the neighborhood.

(10) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of

noise to any performance show or sale or display of merchandise,

(11) The conducting, operating or maintaining of any garage or filling station or the repair, rebuilding or testing of any motor vehicle in any residential district, so as to cause loud or offensive noises to be emitted therefrom during the nighttime hours,

(12) The discharging or firing of fire arms in the streets or elsewhere for the purpose of making noise or a disturbance, except by permit from the police department,

(13) The creation of excessive noise by the operation of an airplane over the town by stunting, diving or otherwise operating an airplane for the purpose of advertising or otherwise

(14) No person shall keep or maintain or permit the keeping of, on any premise, owned, leased, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which by habitual or frequent sound, cry, howling, barking, squawking, meowing, or other noise, shall disturb the quiet, comfort or repose of any person.

(g) Presumption in prosecution for noise violation,

The complaint of one (1) or more persons, when combined with the complaint of a duly authorized investigating person, shall be prima facie evidence that such sound is a loud and annoying, frightening, loud and disturbing, unreasonably loud or unnecessary noise.

(h) Burden of persuasion regarding exceptions to noise restrictions.

In any proceeding pursuant to section c-11 (a) through c-11 (i) of this ordinance, if an exception is stated in sections c-11 (a) through c-11 (i) would limit an obligation, limit a liability, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met.

(i) Penalties for violation of noise restrictions,

(1) CIVIL PENALTIES

(a) Any person violating any of the provisions of sections C-11(a) through C-11(i) shall be subject to a civil penalty of not more than one hundred dollars (\$100.00). No penalty shall be assessed until the person alledged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violaton under this subsection.

(b) The board of Aldermen shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person responsible for the violation, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received within sixty (60) days after demand for payment is made, the matter shall be referred to the town attorney for institution of a civil action in the name of the town in the appropriate division of Craven County for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this section.

CRIMINAL PENALTIES

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment not to exceed thirty (30) days or a fine not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00). Each day of a continuing violaton shal constitute a separate violation under this subsection.

*State law reference violations of municipal ordinances, enforcement alternatives,*  
GS 160 A-175.

**ORDINANCE REGULATING USE OF SKATE BOARDS, ROLLER SKATES,  
ROLLER BLADES AND SIMILAR DEVICES**

**SECTION C-12**

No person shall ride or otherwise use as a means of travel any roller skates, roller blades, coasters, skateboards or other similar device upon Main Street and its appurtenant side walks or upon any other side walk, road way or public vehicular area owned and maintained by the Town of Vanceboro in a manner that would interfere with the vehicular travel or otherwise be likely to endanger persons or property.

**VIOLATION OF THIS ORDINANCE SHALL BE DEALT WITH IN THE FOLLOWING MANNER:**

**FIRST OFFENSE-** Upon the first violation of this ordinance the person violating the ordinance shall be warned that they are in violation of the town ordinance. This warning may be oral or written.

**SECOND OFFENSE-** Upon a second violation of this ordinance the responding officer shall have authority to seize the device which is being used in violation of this ordinance. The responding officer shall release the device to a responsible adult residing in the offenders' residence. If the person violating the ordinance is sixteen years of age or more, a written warning shall be issued to that person. If the person violating the ordinance is less than sixteen years of age, a written warning shall be issued to the subject's parents or legal guardian.



**THIRD OFFENSE-** Upon a third or subsequent violation of this ordinance a citation will be issued if the person violating the ordinance is sixteen years of age or more. If the person violating the ordinance is less than sixteen years of age, the responding officer shall transport the subject to his or her residence and inform his or her parents or legal guardian of the violation of the ordinance and the penalties therefore. Further, upon a third or subsequent violation of the ordinance by a person under sixteen years of age, the responding officer may submit a report to appropriate officials in the juvenile justice system.

**PENALTIES**

A third or subsequent violation of town ordinance section C-12 shall be a misdemeanor. The maximum fine shall be \$25.00. The minimum fine shall be \$5.00.

This ordinance shall become effective upon approval by the Town Board at the town meeting held on May 5, 1997.

SECTION D: PARKING

- D-1 It shall be unlawful to park any vehicle within thirty (30) feet of the intersection of Farm Life Ave. and Main St, including each street of this intersection. \* (23)
- D-2 It shall be unlawful to stop or park any vehicle on any street in such a manner as to obstruct any bus stop or in violation of any sign directing "No Parking"
- D-3 It shall be unlawful to stop or park any bus on any street except such marked bus stops unless such bus stop is obstructed at the time of the stop. (31)
- D-4 It shall be unlawful for anyone to park any vehicle on any street for a continuous period exceeding 24 hours. (35)
- D-5 It shall be unlawful to park any vehicle on any sidewalk or obstructing any driveway or alley. Violations of this section shall require a \$50.00 fine. (40)
- D-6 It shall be unlawful to park any vehicle on Main St. from its intersection with Farm Life Ave., to the north one block to College St. and south one block to White St. for a period exceeding four (4) hours. (41)
- D-7 It shall be unlawful for any person to park any vehicle on the streets of Vanceboro in violation of any sign directing "No Parking" erected at the direction of the Board of Aldermen. (42)
- D-8 It shall be unlawful to park or leave standing on the paved or main travel portion of any street any vehicle unless such vehicle is disabled to such extent it can not be moved from said portion of the street except by alternate mechanical means.
- (a) any such vehicle so disabled shall be moved by alternate means as soon as reasonably possible.
- (1) it shall be deemed that any person who leaves a disabled vehicle in such a manner without having made arrangements for its removal shall have appointed any police officer as his agent to seek removal of said vehicle. (57)

- D-9 It shall be unlawful to park any vehicle on the shoulder portion of any street unless such vehicle does not obstruct the normal flow or traffic and can be seen from a distance of at least 200 feet in each direction. (58)
- D-10 It shall be unlawful for any person to park or leave standing any tandem or semi trailer truck on the paved portion of the street on Farm Life Ave. (71)
- D-11 It shall be unlawful to stop, park or leave standing any vehicle with the left side to the curb on any portion of Main St.

SECTION E: TRAFFIC

E-1 It shall be unlawful for any person to enter any intersection while a traffic signal is emitting a steady red light in said persons direction of travel. (33)

Exception: A person may turn right at any intersection displaying a steady red light for his direction of travel after bringing his vehicle to a complete stop and assuring it does not interfere with any other vehicle or pedestrian.

E-2 It shall be unlawful for any person to create noise or dust by spinning or causing to spin the wheels of any motor vehicle. (46)

E-3 Speed

It shall be unlawful for any person to operate a motor vehicle in excess of:

1. 25 miles per hour on Main St. from the south end of the town hall northerly to 200 feet south of the intersection of Harvey St. (47)
2. 25 miles per hour on any street unless otherwise posted by the Board of Aldermen or North Carolina Department of Transportation. (54)
3. the speed limit posted on any sign erected at the direction of the Board of Aldermen or North Carolina Department of Transportation.

E-4 Driving through any Parade, Picket Line or Procession

It shall be unlawful for any person to drive a vehicle into any parade, picket line or procession which is duly permitted by the Chief of Police to be held in the Town of Vanceboro or which is being escorted by the police so as to interrupt or interfere with said parade, picket line or procession.

SECTION F PARADES, PICKETS, PROCESSIONS

F-1 It shall be unlawful to conduct any parade, picket or demonstration without having first secured a permit from the Chief of Police.

F-2 Permits

- a. No parade, procession or picket shall occupy, march or proceed along any street, sidewalk or any other public place, nor shall any person conduct any public or private meeting on any street, sidewalk or other public place in the town except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which apply.
- b. Application. A written application shall be made to the Chief of Police by any person person desiring to to have a parade or procession, setting forth the object, time, place and route of such parade or procession or the object, time and place of said meeting. The Chief of Police shall have the authority to designate the route of the parade and the portion of the streets or other public places to be used in such a way as to avoid as much as possible the obstruction or impediment of public travel or public business. The Chief of Police may refuse to issue a permit for a parade or meeting unless application therefore has been filed within thirty (30) days prior to the time thereof except an application may be made within twenty-four (24) hours of a meeting. In the absence of the Chief of Police the ranking officer of the Police Department present shall act in his name and stead.
- c. Restricted hours. No parade shall be permitted between the hours of 11:30 AM and 2:00 PM or between the hours of 5:00 PM and 6:00 PM local time and no parade will commence or continue after sunset or commence before sunrise.

- d. Interference with parades, processions or meetings. It shall be unlawful for any person to physically interfere with processions, marches or meetings, or with any person lawfully engaged therein in the use of any street, sidewalk or other public place, or to address profane, indecent, abusive or threatening language or other fighting words to or at such participants which would tend to provoke such participants or others to breach the peace.
- e. Conduct. It shall be unlawful for any person to conduct or participate in any parade or meeting of such character, extent and duration or of such nature as to create a public disturbance, or to operate as a nuisance, or tend to create or threaten rioting, disorderly conduct or public or private mischief.
- f. Conduct of participants. It shall be unlawful for any person conducting or participating in any parade or meeting to address profane, indecent, abusive or threatening language or other fighting words to or at any person or persons which would tend to provoke such person or persons or others to a breach of the peace.
- g. Definitions. For the purpose of this ordinance, the following terms shall have the definitions ascribed:
- (1) "Parade or procession" is any assemblage of five (5) or more persons participating in; any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks, or other public grounds or places, not including a bonafide funeral procession.
  - (2) "Person" is any person, firm, corporation, partnership, association or other organization, whether formal or informal.

- (3) "Meeting" is any assembly together or concert of action between or among five or more persons for the purpose of protesting any matter or of making known any position or promotion of such persons or of or on behalf of any organization of class or persons or for the purpose of attracting attention to such assembly.  
(61)

### F-3 Picketing

- a. Permitted conditions. Peaceful picketing, including demonstrating in the furtherance of a lawful purpose shall be permitted in the town, provided the same is done under the following conditions:
  - (1) Picketing shall be conducted only on the sidewalks or other town area normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on the portion of a street used primarily for vehicular traffic.
  - (2) Not more than ten (10) pickets promoting the same objective shall be permitted to use the sidewalks within one block in the town at one time.
  - (3) Such pickets may carry written or printed signs or placards not exceeding two (2) feet in width and two (2) feet in height promoting the objective for which the picketing is done, provided the words used are not defamatory in nature or would tend to produce violence. The staff on which such placard is carried shall not exceed forty (40) inches in length, must be made of wood, shall not exceed three-fourths (3/4) of an inch in diameter at any point, and must be blunt at each end.
  - (4) Pickets must march in single file and not abreast and may not march closer together than fifteen (15) feet, except in passing one another.

- (5) If pickets promoting different objectives desire to use the same sidewalk for picketing and such use would result in the presence 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, but each group shall be permitted to picket the subject to the provisions of this section at least once every two (2) hours.
- (6) It shall be unlawful for any picket to address profane, indecent, abusive or threatening language to or at any person or others to a breach of the peace.
- (7) It shall be unlawful for any person to carry upon their person any gun, knife, club or any weapon capable of inflicting injury upon another while engaged in a picket, nor shall any dog or animal accompany any person while in the act of picketing.
- (8) It shall be unlawful for any person to physically interfere with such pickets in the use of the sidewalk or to address profane, indecent, abusive or threatening language to or at such pickets or other to a breach of the peace.
- (9) Authority of Police.
- (a) The police officers of the town may, on the event of the assemblage of persons in such numbers as to tend to intimidate pickets pursuing their lawful objective through numbers alone or through the use of inflammatory words, direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the police.
- (b) Whenever the free passage of any street sidewalk in the town shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when so directed by a police officer as herein directed. (63)



SECTION G: MISCELLANEOUS

G-1 Disposal and proper storage of trash and garbage.

- a. It shall be unlawful to store trash receptacles on the street right of way, except they may be moved to the curb or right of way the night immediately prior to the day on which they are to be collected.
  - b. All receptacles shall be of a type approved by the Town Board and have secured lids to prevent the escape of loose material and odors.
  - c. It shall be unlawful for any person to accumulate any quantity of trash, garbage or junk upon any property owned or occupied by said person to the detriment of the neighborhood or to cause the lowering of property values in such neighborhood.
    - (1) Junk for the purpose of this section shall be any old furniture, appliances, building material or any material which is not readily usable or has outlasted its intended use.
  - d. It shall be unlawful for any person to store any vehicle on property owned or occupied by such person which is inoperable for a period in excess of thirty (30) days or which is not registered in the state. It shall further be unlawful to store any vehicle on said property for the purpose of removing parts therefrom to effect the repair of another vehicle for a period exceeding thirty days except such vehicles shall be stored in a garage or building designed for such purpose.
  - e. It shall be unlawful for any person, firm or corporation engaged in the business of auto repair to store any vehicle on property owned or occupied by such person, firm, or corporation for a period exceeding thirty (30) days.
- G-2 It shall be unlawful for any person to introduce into the town sewer system any used lubricant including, but not limited to engine oil, transmission oil, rear end lubricant or any contaminated fuel.
- G-3 It shall be unlawful for any person to sell or offer for sale any merchandise or articles on the street right of way without the approval of the Town Board.

G-4 It shall be unlawful for any person to burn trash or yard debris on any ditch or town right of way.

G-5 It shall be the duty of each resident and/or owner of any real property to maintain said property in such a condition that shall enhance the aesthetic values of the neighborhood and shall not detract from the value of neighboring property.

(a) It shall be unlawful to allow grass, weeds, vines shrubs or any other vegetation to grow so as to become a nuisance or breeding ground for insects, vermin, varmints, snakes or other creatures which pose or may pose a health hazard.

(b) It shall be unlawful to allow an accumulation or storage of trash, garbage or any other debris upon any lot or property in the town limits of the Town of Vanceboro

(c) It shall be the responsibility of the owner of any leased or rented property to assure compliance with this ordinance by the occupant of such leased or rented property.

Violation of this ordinance shall result in a warning issued to the owner and/or occupant of the property that it is in violation of this section and must be brought into compliance within ten (10) days from the date of the notice. Failure to bring the property into compliance within the allotted time shall result in the Town of Vanceboro taking such action as necessary to clean the lot and charges shall be paid to the Town of Vanceboro by the owner of said lot.

SECTION G: MISCELLANEOUS

G-6 Transporting trash into town limits for disposal in town collection system.

1. Definitions. For the purpose of this section, the following words shall have the following definitions in addition to their regular definitions.
  - a. Person. Any individual, firm, corporation, association, partnership, trust, estate, public or private institution, group, agency, political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.
  - b. Trash. Any trash, garbage, refuse, yard trimmings, waste matter, offal, furniture or household appliance no longer fit for their normal use.
2. It shall be unlawful for any person to transport any trash which was generated at a point outside the town limits into the town limits for the purpose of disposal in the town trash collection system.
3. It shall be unlawful for any person to introduce any trash generated by said person into the trash receptacle belonging to another person which was not generated as a result of the normal activity associated with that person.
4. Penalties for violation of this section.
  - a. Civil Penalties
    - (1) Any person violating any of the provisions of sections G-6.2 and G-6.3 shall be subject to a civil penalty of not more than two hundred and fifty dollars (\$250.00). No penalty shall be assessed until the person alleged to be in violation has been notified of the violation. Each incident of a continuing violation shall constitute a separate violation under this subsection.

- (2) The Board of Aldermen shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person responsible for the violation, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received within sixty (60) days after demand for payment is made, the matter shall be referred to the town attorney for institution of a civil action in the name of the town in the appropriate division of Craven County Courts for recovery of the penalty. Any sums recovered shall be used to carry out the purposes of this section.
- (3) As an additional remedy, whenever the board has reasonable cause to believe that any person causes or allows the introduction of trash into the town trash collection system which was generated outside the town limits, it may, either before or after the institution of any other action or proceeding authorized by this section, institute injunctive relief to restrain the violation. The action shall be brought in the the appropriate division of the general court of Craven County. The institution of an action for injunctive relief shall not receive any party to such proceeding from any civil or criminal penalty prescribed for violations of this section.
- (4) Criminal Penalties. Any person who violates any provision of this section shall be deemed guilty of a misdemeanor punishable by imprisonment not to exceed thirty (30) days or a fine of not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00). Each incident of a continuing violation shall constitute a separate violation under this subsection.

State law reference-Violations of municipal ordinances, enforcement alternatives.  
GS 160A-175.

H. AUTHORITY OF THE MAYOR TO PROCLAIM RESTRICTIONS IN RESPONSE TO THE NEEDS OF AN EMERGENCY:

1. PROCLAMATION IMPOSING PROHIBITIONS AND RESTRICTIONS.

- (a) The mayor may impose the prohibitions and restrictions specified in H-2 through H-5 of this ordinance in the manner described in those sections. The mayor may impose as many of those specified prohibitions and restrictions as he finds necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety and property. The mayor shall recite his finds in the proclamation.
- (b) The proclamation shall be in writing. The mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the town hall. The mayor shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence.

2. CURFEW

- (a) The proclamation may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical areas and the period during each 24 hour day to which the curfew applies. The mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the mayor finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.
- (b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the mayor by proclamation removes the curfew.

3. RESTRICTIONS ON POSSESSION, CONSUMPTION OR TRANSFER OF ALCOHOLIC BEVERAGES:

(a) The proclamation may prohibit the possession or consumption of any alcoholic beverage, including beer and wine, other than on one's own premises, and may prohibit the transfer of any alcoholic beverage by employees of Alcoholic Beverage Control stores as well as by anyone else within the town.

4. RESTRICTIONS ON POSSESSION, TRANSPORTATION AND TRANSFER OF DANGEROUS WEAPONS AND SUBSTANCES.

(a) The proclamation may prohibit the possession of any dangerous weapon or substance unless it remains in a place of storage within the possessor's premises, or, of the weapon or substance cannot be readily stored in the possessor's premises, unless it remains in a customary place of storage not readily available to the possessor. The proclamation may also prohibit the sale or other transfer or the transportation of any dangerous weapon or substance. The mayor may exempt from some or all of the restrictions classes of people whose possession, transfer or transportation of certain dangerous or substances is necessary to the preservation of the public health, safety or welfare. The proclamation shall state the exempted classes and the restriction from which each is exempted.

(b) "Dangerous weapon or substance means:

(1) Any deadly weapon, ammunition, incendiary device, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property. (A more complete definition is found in G. S. 14-288.1(2)).

(2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate there is some probability that such instrument or substance will be so destructively used.

(3) Any part or ingredient in any instrument or substance included above.

(c) If imposed, the restriction shall apply throughout the jurisdiction of the town.

5. RESTRICTIONS ON ACCESS TO AREAS.

(a) The proclamation may prohibit obtaining access to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.

(b) Areas to which access is denied or restricted shall be designated by the Chief of Police or his subordinates when directed in the proclamation to do so by the mayor. When acting under this authority, the Chief of Police and his subordinates may restrict or deny access to any area, street, or location within the Town if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

6. AMENDMENTS OF THE PROCLAMATION.

The mayor may amend the proclamation from time to time, making such modifications as he would have been authorized to include in the original proclamation.

7. REMOVAL OF PROHIBITIONS AND RESTRICTIONS.

The mayor shall by proclamation remove the prohibitions and restrictions as the emergency no longer requires them, or when directed to do so by the Board of Alderman.

8. SEPARATE AND SUPERCEDING PROCLAMATIONS.

The mayor in his discretion may invoke the restrictions authorized by this ordinance in separate proclamations, and may amend any proclamation by means of a superceding proclamation.

9. PENALTY FOR VIOLENCE.

Any person violating any prohibition or restriction imposed by a proclamation authorized by this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine or imprisonment as provided by G. S. 14-4

10. REPEAL OF CONFLICTING ORDINANCES.

All ordinances in conflict with the provisions of this ordinance are hereby repealed.

11. EFFECTIVE DATE OF ORDINANCE.

This ordinance shall take effect upon its adoption.  
(62)

H-2 AN ORDINANCE REGULATING THE STORAGE OF FIREARMS AND AMMUNITION BY DEALERS APPLICABLE DURING A STATE OF EMERGENCY.

1. Rules on storage and display of firearms and ammunition.

In the event of emergency every person engaged in the business of selling firearms and ammunition or both shall comply with the following rules:

- (a) No ammunition shall be displayed on an open counter or in any place accessible to the public.
- (b) No ammunition of firearms shall be displayed in windows or display areas when the business is not regularly open.
- (c) During any period in which firearms or ammunition or both are unattended, they shall be stored in a place meeting the requirements of regulations promulgated by the Governing Body under authority of this ordinance, or, if no such regulations have been promulgated, in a place difficult of access to unauthorized person.



2. Authority of Governing Body to promulgate storage regulations. Regulations should be spelled out.

- (a) The Governing Body is authorized to promulgate regulations governing the construction, location, and accessibility of storage places for firearms and ammunition to be used by this ordinance. The Governing Body may adopt and regulate under this authority that his judgement will reasonably and effectively serve to prevent unauthorized persons from obtaining the stored firearms and ammunition.
- (b) The Governing Body shall take reasonable steps to notify all persons that he can reasonably identify as being affected by his regulations of their requirements. The notification shall sufficiently precede the effective date of the regulations to permit compliance with them. The Town shall maintain on file an official copy of the regulation.

3. Penalty for violation.

Any person failing to comply with any requirement of this ordinance shall be guilty of a misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, as provided by G. S. 14-4.

4. Repeal of conflicting ordinances.

All ordinances in conflict with the provisions of this ordinance are hereby repealed.

5. Effective date of ordinance.

This ordinance shall take effect upon its adoption. (64)

H-3 AN ORDINANCE TO PERMIT DISPERSAL OF ASSEMBLIES DURING AN EMERGENCY

1. Proclamation imposing restrictions on assemblies.

- (a) The Mayor by proclamation may prohibit assemblies of three or more persons in specific geographic areas of the Town after he finds that any such assemblies constitute a clear and present danger of prolonging or aggravating an existing emergency which endangers lives, safety and property. The proclamation shall be in writing and state the Mayor's findings. The Mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it, and shall post a copy of it in the town hall. The Mayor shall retain a text of the proclamation and upon request shall furnish certified copies of it for use as evidence.
- (b) The proclamation shall specify the geographical area or areas in which the restrictions apply.
- (c) The Mayor may amend the proclamation from time to time, making modifications in the geographical area to which it applies as he determines to be necessary to maintain the purpose of the prohibition.
- (d) The Mayor shall by proclamation remove the prohibition when the emergency no longer requires it, or when directed to do so by the Board of Aldermen.

2. Dispersal of prohibited assemblies.

Any police officer may order any assembly prohibited by proclamation authorized by this ordinance to disperse.

3. Penalty for failure to disperse.

Any member of an assembly ordered to disperse by a police officer acting under authority of this ordinance shall be guilty of a misdemeanor if he fails to comply with the order and shall be punishable upon conviction by a fine or imprisonment as provided by G. S. 14-4, G. S. 14-288.5 and implementing G. S. 14-288.1(b) relating to movements of people.

4. Repeal of conflicting ordinances.

All ordinances in conflict with the provisions of this ordinance are hereby repealed.

5. Effective date of ordinance.

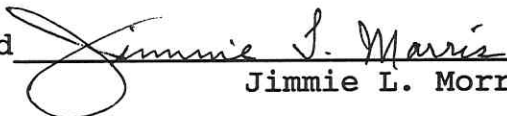
This ordinance shall take effect upon its adoption.  
(65)

TOWN OF VANCEBORO  
P. O. BOX 306  
VANCEBORO, NC 28586

We the Board of Aldermen sitting in regular session, do adopt the following ordinance for the regulation of taxi cabs within the town of Vanceboro. Such ordinance is further identified as Section I. of the town code.

This 3 day of January, 1994.

Signed

  
\_\_\_\_\_

Jimmie L. Morris, Mayor

SECTION I.  
TAXI CABS

**Sec. I - 1. Defined**

As used in this article, the term "taxicab" shall mean any motor vehicle seating nine or fewer passengers operated upon any street or highway on call or demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger so being transported, and shall include motor vehicles or motor vehicle carriers.

**Sec. I - 2. Investigations conducted by the police department.**

(a) It shall be the duty of the chief of police, through the police department and otherwise, to cause a thorough investigation to be made of each applicant for a certificate of convenience and necessity to operate a taxicab business and each applicant for a taxicab driver's permit to determine:

- (1) Whether the information stated in the application of either is true.
- (2) Whether the applicant is a person meeting the qualifications required by this article.
- (3) Whether as to any particular applicant there is any basis for refusing to grant a certificate of convenience and necessity or a taxicab driver's permit, or to renew either as prescribed by this article.

(b) In the discretion of the chief of police, or at the direction of the board of alderman of the town clerk, the chief of police shall cause to be made any and all examinations authorized by this article in determining whether an applicant for a certificate of convenience and necessity or driver's permit has a criminal record and may cause a check to be made of the criminal records of the appropriate courts, the State Bureau of Investigation and the Federal Bureau of Investigation. The chief of police shall file with the town clerk a written report of the results of the investigation of each applicant.

**Sec. I - 3. Inspection of vehicle; condition generally.**

Each taxicab owner shall institute a system of regular monthly inspection of all taxi cabs and equipment and keep all taxi cabs and equipment in proper repair and sanitary condition at all times. A record of all such inspections shall be kept by the owner for a period of six (6) months thereafter and shall be available to the town clerk and the police department.

**Sec. I - 4. Vehicles to be marked and numbered.**

Each taxicab operated in the town shall have displayed in a prominent place thereon; the name of the company and the number assigned to each taxicab in letters not less than three (3) inches in height, by which it may be distinguished from other taxi cabs or vehicles. The number referred to in this section shall be assigned by the chief of police, and the location of the number on the taxicab to be subject to his approval. All such markings shall be made in such manner as they can not be removed and transferred to another vehicle.

**Sec. I - 4. Duty to furnish service.**

Each person owning, operating or controlling a taxicab and each driver shall, upon request, furnish taxicab service within the town as promptly as possible during the hours of operation. Each person so engaged will furnish to the town clerk and the police department a schedule of hours of operation. Failure to furnish service during the scheduled hours will result in revocation of the permit.

**Sec. I - 5. Restrictions on parking.**

Not more than two (2) taxi cabs owned by the same company shall be parked in the one (1) block at the same time, except such taxi cabs as may be parked in established taxi stands. No taxicab shall park on any property belonging to another without the express consent of the owner of such property.

DIVISION 2. CERTIFICATES OF CONVENIENCE  
AND NECESSITY

**Sec. I - 6. Required**

After January 1, 1994, it shall be unlawful for any person to operate a taxi cab upon and over the streets of the town without first having secured from the board of aldermen a certificate of convenience and necessity as prescribed in this division.

**Sec. I - 7. Application**

Each person desiring a certificate required by this division shall file to the town clerk an application for certificate.

**Sec. I - 8. Discretionary authority of the board of aldermen.**

The board of aldermen shall have the power, and it shall be its duty, to order certain certificates required by this division to be issued, or to refuse to issue certain certificates, or to issue certificates for a partial exercise of the rights granted by the certificate, such terms and conditions as in its judgment the public convenience and necessity may require.

**Sec. I - 9. Hearing on application; notice.**

Each application for a certificate required by this division shall be scheduled for a hearing not later than thirty (30) days after the application is filed, and the applicant shall be notified by the town clerk by mail to his business address set forth in the application of the date, time, and place of the hearing, which notification shall be sent at least ten (10) days before the date set for the hearing. The town clerk shall also, within the same time, notify all persons who at that time hold certificates of convenience and necessity for the operation of taxi cabs within the town of the date, time, and place of the hearing, and the name of the applicant. In addition, the town clerk shall cause to be published at least once in a newspaper of general circulation at least ten (10) days before the hearing a notice setting forth the name of the applicant and the date, time, and place of the hearing. The cost of such publication shall be paid for by the applicant, and such payment may be required to accompany the application.

**Sec. I - 10. Factors for determining necessity and convenience.**

In determining whether the public convenience and necessity shall require the issuance of a certificate pursuant to this division, the town shall among other things take into consideration the following factors:

- (a) Whether the public convenience and necessity requires the proposed or additional taxi cab service within the town.
- (b) The financial responsibility of the applicant for the certificate and the likelihood of the proposed service being permanent, responsible, and satisfactory.
- (c) The number and condition of equipment.
- (d) The schedule of proposed rates to be charged.
- (e) The number of taxi cabs now operated and the demand for increased service, if any, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether adequate provision has been made for off - street parking of the taxi cabs.
- (f) The experience of the applicant for the certificate in the taxi cab business.
- (g) The character and reputation of the applicant.
- (h) The character and reputation of all those financially interested in the applicant.
- (i) The applicant for the certificate may be required to furnish the names of all persons in fact financially interested in the operation of such taxi cabs, or owning any interest therein, whether such interest is disclosed upon the public records or the records of the applicant.
- (j) The character and reputation of the person who will be in charge of the operation of the business of the applicant, and the applicant shall be required to give the name and address of such persons.
- (k) Such other relative facts as may be deemed necessary and advisable.



**Sec. I - 11. Burden of proof.**

The burden of proof shall be on the applicant to establish the existence of public convenience and necessity for the operation of the taxi cabs specified in the application for the certificate, and all of the facts required for the granting of a certificate.

**Sec. I - 12. Investigations.**

Before making any decision with regard to the issuance of a certificate pursuant to this division, the board of aldermen of a committee thereof shall make a full and complete investigation of all the facts and may, if it so desires, subpoena witnesses and utilize the services of the chief of police or any other officer or employee of the town.

**Sec. I - 13. Scope of certificate; duration; renewal.**

A certificate issued pursuant to this division shall constitute a franchise from the town for the operation of taxi cabs within the town, subject to the provisions of this article, for twelve (12) months or until such time as an ordinance is adopted issuing such certificates for the next succeeding period, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearings conducted as provided in this division.

**Sec. I - 14. Certificate to become void upon failure to begin operations.**

If a certificate is granted to an applicant therefor pursuant to this division, and the applicant shall fail to comply with the provisions of the certificate and begin operations within sixty (60) days after the date of the certificate, then the certificate shall become null and void.

**Sec. I - 14. Substitution of vehicles.**

The person to whom the certificate has been issued pursuant to this article may, by appropriate endorsement thereon by the town clerk, substitute another vehicle or vehicles for the vehicle or vehicles for which the certificate was granted. In such instance, the liability insurance or bonds shall be transferred to such substituted vehicle or vehicles.

**Sec. I -15. Transferability.**

(a) A certificate issued pursuant to this division shall not be sold, transferred or assigned to any other person.

(b) A certificate issued pursuant to this division to any person shall become void if there is any change in the ownership of any taxi cab or taxi cab business belonging to the holder of the certificate, either by sale, lease, or contract to sell the taxi cab or taxi cab business, or other agreement that permits another person to have control and operation thereof, or any interest in such control and operation. Upon such occurrence, an application shall be filed by the new person in interest in the same manner as an application for a certificate of public convenience and necessity, except that the question of public convenience and necessity need not be proved. If the application is approved by the board of aldermen, a new certificate shall be issued to the applicant.

(c) A certificate issued pursuant to this division to any person shall become void if the holder of the certificate is a corporation and there is a sale or transfer of any shares of stock in the corporation or upon issuance of any additional shares of stock; or, if a partnership, the bringing in of a new partner, or upon a dissolution thereof. However if the board of aldermen shall be notified in writing within twenty four (24) hours that there has been a transfer of any stock or that additional stock has been issued, or that a new partner has been taken into any such partnership, the provisions of this subsection shall not become operative until the expiration of ten (10) days after the giving of notice. The notice shall contain the name of any new stockholder or partner, his address, and the number of shares of stock acquired in the corporation, as the case may be. The board of aldermen shall the within ten (10) days after the receipt of the notice, either approve or

disapprove the purchaser or transferee of any such stock or any new partner, after taking into consideration his character, ability, experience, financial ability, and any other pertinent factors. If approved, the certificate shall remain in force and effect, but if approval is not given, it shall become void upon notice by the board of aldermen of its disapproval, which notice shall be given to the corporation or partnership. If there is any change in the name of the holder of the certificate, the new certificate shall be issued to the corporation or partnership in its new name.

**Sec. I - 16. Revocation; grounds.**

The board of aldermen may at any time after a public hearing revoke any certificate issued pursuant to this division for one (1) or more of the following causes:

- (a) Failure to operate the taxi cabs specified in the certificate in such a manner as to serve the public adequately and efficiently.
- (b) Failure to maintain taxi cabs in good repair.
- (c) Failure to carry liability insurance or bond as required by this Code or other town ordinance.
- (d) Failure to pay to the town taxes, or license fees imposed upon such taxi cabs.
- (e) Repeated and persistent violation by the taxi cab drivers of traffic and safety ordinances, or provisions of this Code, or state or federal laws relating to alcoholic beverages or prostitution.
- (f) Failure to report any accident within twenty-four (24) hours from the occurrence thereof.
- (g) The making of any false or erroneous statement with reference to the ownership of the taxi cabs or the taxi cab business, the names of those financially interested therein, the name of the manager in charge thereof, if the operation of the business is in charge of a manager, or any other false or erroneous statement required to be made in the application for the certificate required by this article.
- (h) Failure to comply with the provisions of this division relative to the transfer of the certificate and to give notice of any change of ownership of title to any taxi cab or taxi cabs.
- (i) The employment of any taxi cab driver who shall not meet the qualifications prescribed by this article for employment as a taxi cab driver.
- (j) The employment of any taxi cab driver whose license shall have been suspended within five (5) years prior to the time of employment, or who shall have been twice convicted of the violation of any motor vehicle law within such period.
- (k) That the past record of the holder of the owner's permit is unsatisfactory and that it is detrimental to and not in the public interest to permit the

continued operation of a taxi cab business by such person.

- (1) That the holder of the certificate or anyone financially interested in the business of the certificate holder has been convicted of a felony or violation of any federal or state statute, or any provision of this Code or other town ordinance relating to the possession, sale, or delivery of intoxicating liquor, or the violation of any federal, or state statute or any provision of this Code or other town ordinance relating to prostitution, or any federal or state statute or any provision of this Code or any other town ordinance relating to the use, possession, transportation, or sale of narcotic drugs or any drug as defined in the General Statutes of the State of North Carolina 90 - 95, or repeated violations of traffic laws or ordinances, or becomes an habitual user of alcoholic beverages or narcotic drugs.

- (m) Failure to comply with any provisions of this article or other ordinances or state laws relating to the operation of taxi cabs.

No certificate shall be revoked until the owner has had at least five (5) days' notice by registered mail to the address designated in his application of the charges against him, and the time, place and date of the hearing. If, after the meeting, it is found that the owner is guilty of one (1) or more of the offenses enumerated in this section, the board of aldermen shall have the power to revoke the certificate, or to condition a revocation upon compliance with its order within any time fixed by it.

### DIVISION 3. FARES

#### Sec. I - 17. Rates.

Upon granting of a certificate of public convenience and necessity under this section, the grantee shall present to the board of aldermen a schedule of proposed rates to be charged by the taxi cab company for the provision of taxi cab service to the public. The board of aldermen shall have the authority to accept or reject the proposed rates for service. When the board of alderman accepts the proposed rate schedule, the taxi cab company shall provide service at the accepted rate for the period of one (1) year. The rates will be reviewed at the end of one (1) year, and annually thereafter for the purpose of determining adjustment to the assigned scheduled rates.

#### Sec. I - 18. Schedule of fares.

The owners or operators of taxi cabs shall be required to post a printed schedule of passenger fares approved by the town in a conspicuous place in the taxi cab where it may be seen and easily read by passengers.

#### Sec. I - 19. Fares to be uniform; exception.

The passenger fares established in this division shall be uniform and shall apply to each taxi cab operated within the town; however, contract haulers are exempt and the fares established in this division shall not effect their operations.

#### Sec. I - 20. Payment.

Passengers shall be required to pay fares lawfully charged under this division.

#### Sec. I - 21. Disputes over fares.

All disputes over fares shall be decided by the police officer on duty at the time the dispute arises.

#### Sec. I - 22. Fees for permit to operate taxi cabs.

Each person granted a certificate under this division shall pay a fee to the town of one hundred - fifty dollars (\$150.00) annually for each taxi cab to be operated under such permit.

**Sec. I - 23 - I-29. Reserved**

**DIVISION 4. DRIVERS**

**Sec. I - 30. Permit required.**

No person shall drive a taxi cab in the town without first obtaining a permit therefor as provided by this division.

**Sec. I - 31. Persons eligible for permit.**

No permit shall be issued or renewed unless the applicant therefor shall meet the requirements of this section. The applicant must:

- (a) Be at least eighteen (18) years of age.
- (b) Be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a taxi cab.
- (c) Be able to read, write and speak the English language.
- (d) Be clean in dress and person.
- (e) Be not addicted to the use of narcotics, habit-forming drugs, or alcoholic beverages.
- (f) Produce affidavits establishing his good character from two (2) reputable citizens of the town who know him personally and who have observed his conduct during one (1) year next preceding the date of his application, and further satisfactory testimonial from his last employer.
- (g) Hold all necessary automobile operator's licenses as required by the state.
- (h) Be of good character and reputation.

**Sec. I - 32. Testing.**

- (a) Each applicant shall submit at the time of his application a general physical examination performed by a licensed physician within six (6) months of the date of application which attests to his physical ability to perform safely the duties required of a

taxi cab driver.

- (b) Each applicant shall submit to a urine test to determine the presence of drugs by a certified laboratory recognized by the state and submit a record from the laboratory indicating negative results with the application.
- (c) Each operator may be required to submit to a recognized test of his breath to determine the presence of alcoholic beverages upon the demand of any police officer while engaged in the operation of any taxi cab.
- (d) Any operator of a taxi cab involved in an accident which involves personal injury or property damage in excess of five hundred dollars (\$500.00) as determined by the investigating officer shall submit to any test requested by such officer to determine the use of alcoholic beverages or drugs while engaged in the operation of a taxi cab.

**Sec. I - 33. Denial of permit; grounds.**

A permit required by this division may be refused in addition to any other reasons for refusal prescribed in this article, in case of an application from any person:

- (a) Whose state automobile license or commercial driver's license or permit to operate a taxi cab has within five (5) years prior to the date of his application, been suspended or revoked.
- (b) Who within five (5) years immediately prior to the date of his application, has been convicted of a felony.
- (c) Who within a period of five (5) years immediately prior to the date of his application, shall have previously been convicted of any crime involving the driving of an automobile resulting in injury or death to any person.
- (d) Within a period of five (5) years immediately prior to the date if his application shall have been convicted of driving any vehicle while intoxicated.
- (e) Who, within a period of five (5) years immediately prior to the date of his application, shall have been convicted of a violation of the law, city, county, state, or federal relating to the use, possession, or sale of intoxicating liquors, narcotic or barbituate drugs, or prostitution, or aiding and abetting



prostitution.

- (f) Has been convicted in any criminal court of two (2) or more violations of traffic laws or ordinances within three (3) years immediately preceding the date of the application for permit.
- (g) Who is a person of such bad character or reputation that it would be contrary to the public interest, safety, and welfare to permit the applicant to drive a taxi cab.

In case of refusal by the chief of police, the town clerk, or other officer of the town designated by the board of aldermen to pass upon the fitness of the applicant for a driver's permit under this division or any other ordinance of the town, the applicant shall have the right within ten (10) days after such refusal to appeal to and be heard by the board of aldermen, the decision of which on the question of granting or refusing the permit shall be final and conclusive. Notice of appeal to the board of aldermen shall be made in writing and filed with the town clerk.

**Sec. I - 34. Deceptive practices.**

No driver shall deceive or attempt to deceive any passenger who may ride in his taxi cab, as to his destination or rate of fare to be charged, nor shall any driver convey any passenger to a place other than directed by the passenger or take a longer route to the destination than necessary, unless requested by the passenger, and no driver shall charge any fare in excess of that prescribed by this article or any other town ordinance relating to the fares to be charged by taxi cab operators.

**Sec. I - 35. Permit fees.**

The annual fee for a permit required by this division shall be twenty - five dollars (\$25.00).

**Sec. I - 36. Transferability.**

No permit issued pursuant to this division shall be transferred to any person.