

**ARTICLE 22  
MISCELLANEOUS**

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**Section 22.1 Garage Sales Ordinance.**

1. Garage Sale means and includes yard sales, carport sales or similar types of sales on the seller's own premises, involving the sale of used or second hand tangible personal property customarily found in and about the residence, and not including property acquired for resale.
2. Garage sales are permitted in all Residential Districts as long as they do not occur on the same lot for more than two (2) days two (2) times a year. Hours are limited to between 8:00 am and 8:00 pm.

**Section 22.2 Adult Entertainment.**

1. Authority.

The provisions of these regulations are adopted by the Belville Board of Commissioners under authority granted by the General Assembly of the State of North Carolina. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Belville.

2. Intent.

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Belville, this article is adopted by the Board of Commissioners to regulate adult and sexually oriented businesses, as hereby defined, located in the jurisdiction of the county. Further the regulations of this article have been made with reasonable consideration, among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

3. Abrogation.

These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Belville. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

4. Application of Regulations.

Adult and sexually oriented businesses shall be regulated as to location in the following manner in addition to any other requirements of this code:

- a. No adult or sexually oriented business shall be permitted in any building:
  - i. located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
  - ii. located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
  - iii. located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
  - iv. located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
  - v. located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
  - vi. located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- b. No more than one (1) adult or sexually oriented business establishment shall be located in the same building or structure or on the same lot.
- c. Adult and sexually oriented businesses shall be located only in the Industrial Zoning District and shall be established by Special Use Permit.
- d. Except for signs as permitted in Article 12, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.
- e. All minimum lot requirements of the Industrial Zoning District shall be met.

5. Nonconforming Adult Business And Sexually Oriented Businesses:

Any adult business or sexually oriented business lawfully operating as of the effective date of this ordinance that is in violation of any provision of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of one hundred eighty (180) days or more it may not be reestablished. If two (2) or more adult businesses or sexually oriented adult businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. An adult business or sexually oriented adult business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

6. Severability.

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this article is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same would have been enacted by the Board of Commissioners without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**Section 22.3 Public Nuisances.**

22.3.1 Findings and Purpose.

Whereas, the commissioners are authorized by Section 160A-174, 160A-175, 160A-192, and 160A-193 of the General Statutes of North Carolina to abate nuisances, NOW THEREFORE,

1. The Town Commissioners of the Town of Belville do hereby find that it is necessary to provide for the abatement of conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjacent property or premises, or hazardous or injurious to the health, safety or welfare of the general public in such ways to constitute a public nuisance; and, to provide standards to safeguard life, health and public welfare in keeping with the character of the Town by allowing for the maintenance of property or premises for each of the following purposes:
  - a. To safeguard the health, safety and welfare of the people by maintaining property or premises in good and appropriate condition;
  - b. To promote a sound and attractive community appearance; and,

- c. To enhance the economic value of the community, and each area in it, through the regulation of the maintenance of property or premises.
2. Accordingly, the Town Commissioners find and declare that the purpose of this Chapter is to:
  - a. Reduce the threat to health, safety, welfare, appearance and economic value due to the decline in property condition(s) by lawfully delineating the circumstances under which such condition(s) may be considered illegal and/or abated; and, further finds that,
  - b. Abatement of such condition(s) is in the best interest of the health, safety and welfare of the residents of the Town because maximum use and enjoyment of property or premises in proximity to one another depends upon maintenance of those properties or premises at or above the minimum standard.

### 22.3.2. Public Nuisances

#### 1. Property Maintenance - Public Nuisances.

It is hereby declared to be a public nuisance for any owner or other person in control of said property or premises to keep or maintain property, premises or rights-of-way in such a manner that any of the following conditions are found to exist:

- a. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property or on sidewalks or streets which can be viewed from a public street or walkway, alley or other public property which items are readily accessible from such places, or which are stored on private property in violation of any other law or ordinance;
- b. Discarded putrescibles, garbage, rubbish, refuse, or recyclable items which have not been recycled within thirty (30) days of being deposited on the property which are determined by an Zoning Code Administrator to constitute a fire hazard or to be detrimental to human life, health or safety;
- c. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) which is determined by an Zoning Code Administrator to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;
- d. Lumber (excluding lumber for a construction project on the property with a valid permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours and visible from a public street, walkway, alley or other public property;
- e. Receptacles for discarded materials and recyclables, which are left in the front yard following the day of the regularly scheduled, refuse pick-up for the property;

- f. Swimming pool, pond, spa, other body of water, or excavation which is abandoned, unattended, unsanitary, empty, which is not securely fenced, or which is determined by the Zoning Code Administrator to be detrimental to life, health or safety;
- g. The uncontrolled growth of noxious weeds or grass to a height in excess of twenty-four (24) inches which is determined by the Zoning Code Administrator to be detrimental to life, health or safety;
- h. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health;
- i. Any premises which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration or decay or is unsafe for the purpose for which it is being used or is not secured or is improperly secured; and,
- j. Any condition on a property, which meets the requirements of subparagraph 1 and 2, below:
  - i. Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; and,
  - ii. Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

2. Responsibility for Property Maintenance.

The owner, occupant, lessee or tenant of any property within the Town shall be responsible for the maintenance of property and premises in a manner consistent with the provisions of this Chapter and the Ordinance of the Town of Belville.

3. Animals

As required by the Brunswick County General Statute 130A-185, all dogs and cats four (4) months of age or older shall be vaccinated against rabies;

- a. Every dog and cat within the Town limits shall be required to wear a collar at all times which includes a rabies vaccination tag;
- b. Enumerated in this section by way of example and not limited to certain types of animals are actions involving animals or conditions maintained or permitted by the animal's owner or possessors which shall constitute prima facie evidence of a public nuisance whether the animals are located on or off the owners or possessors premises;
- c. For the purpose of this section, a dog shall be deemed to run at large while roaming, running, or self hunting off the property of its' owner and not under owners' immediate control. A dog which is for game, for which its owner must

hold a hunting license as required by the State of North Carolina shall not be deemed to be running at large nor to be off premises of its' owner and, not under the physical restraint of a competent person during the designated season for the game so hunted.

- d. Any animal which damages the property of anyone other than its' owner including by not limited to turning over garbage containers, damaging gardens, flowers or vegetables;
  - i. Any animal, which is defined in this ordinance as a vicious animal.
  - ii. Maintaining an animal in an environment of unsanitary conditions.
  - iii. Any animal, which is diseased and not under veterinary care.
  - iv. Any animal, which jumps on, or chases, snaps at, attacks or threatens pedestrians, bicycles, vehicles, joggers or runners and is not in an enclosure or under restraint.
  - v. Failure to confine a female dog while in heat in a building or secure enclosure in such a manner that she will not be in contact with other dogs, nor create a nuisance.
- e. This subsection shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is breeding;
- f. It shall be unlawful for any owner of a dog to permit the said dog from running at large and to be off the premises of its owner and not under physical restraint of a competent person;
- g. Upon a Brunswick County Animal Control Officer's receipt of a complaint that a dog is running at large or is off the premises of its owner and not under physical restraint of a competent person, said Officer shall investigate said complaint and upon finding that there is probable cause that a violation of this ordinance has occurred, the Officer may issue a citation or take any other action provided for by North Carolina General Statute 14-45;
- h. Any owner cited for a violation may discharge the citation upon payment of the fee for impoundment (maximum fine of two-hundred and fifty dollars (\$250) payable to Brunswick County) as adopted by Brunswick County Board of Health provided the owner is in compliance with all other applicable provisions.

4. Noise.

- a. Statement of Public Policy. It is the policy of the Town to promote, without unduly prohibiting, limiting, or restricting the normal operation of equipment or the performance of activities essential to the quality of life and while maintaining the protections of the First Amendment through content-neutral provisions, an environment free from excessive, loud, unnecessary, or disturbing sounds which constitute Noise Disturbances that unreasonably disturb, injure or endanger the welfare of the public, the privacy of the home, the quality of life, and the tranquility and aesthetic values of the Town's public spaces. Any such Noise Disturbance is hereby declared to be a public nuisance.
- b. Exceptions. The provisions of this Section shall not apply to the emission of sound from the following activities:

- i. Alerting persons to the existence of an emergency;
  - ii. Emergency or repair work by and for governmental entities or public service utilities;
  - iii. The performance of agricultural activities which do not involve the ownership, possession, or husbandry of animals or birds;
  - iv. The performance of military operations excluding travel by individuals to or from the centers of such operations;
  - v. Temporary Uses as licensed by the Town;
  - vi. The performance of permissible landscaping, construction, repair, maintenance and demolition activities provided that any such activities do not occur between the hours of 9:00 p.m. and 6:00 a.m.;
  - vii. The performance of normal and typical operations of equipment associated with manufacturing or the normal practices of commerce and industry for those facilities having sought and received approval for such land use by the Town;
  - viii. The conduct of normal operations of business and commerce that utilize sound emitting devices for the purposes of providing goods and services consistent with the approved use of the property, so long as the emission of such noises does not impede or adversely affect the normal business operations of adjoining properties operating within the approved use of said properties; and
  - ix. The use of sound devices by places of religious worship so long as such use of sound devices is consistent with the normal and typical operations of said place of religious worship.
- c. Noise Disturbances Prohibited. No person or entity shall make, continue or cause to be made or continued, except as permitted herein, any noise or sound which constitutes a Noise Disturbance including, without limitation, the following:
- i. The operation of sound equipment, including radios, music playing devices, televisions and other sound amplifying equipment so as to create a Noise Disturbance;
  - ii. The operation of motorized vehicles, at any time or in any manner, including individually, as a group or in an organized event and whether on public or private property, so as to create a Noise Disturbance, and every motorized vehicle shall be equipped with a muffler that is in good working order and in constant operation;
  - iii. Dogs, cats, birds or other animals habitually and repeatedly making such noise and sounds so as to create a Noise Disturbance;
  - iv. The operation or playing of musical instruments and similar devices so as to create a Noise Disturbance;
  - v. The unauthorized sounding outdoors of any fire, burglar or other emergency signaling device so as to create a Noise Disturbance;
  - vi. The operation of any tool(s) or equipment in landscaping, construction, repair, maintenance or demolition activities so as to

create a Noise Disturbance between the hours of 9:00 p.m. and 6:00 a.m.;

- vii. The operation of nonemergency sounding equipment, including stationary bells, sirens, whistles and similar devices, so as to create a Noise Disturbance; and
- viii. The operation of any incendiary or combustible device so as to create a Noise Disturbance.

d. Prima Facie Showing and Documentation. The following shall constitute a *prima facie* showing that a sound or noise constitutes a prohibited Noise Disturbance and is actionable under this section as a prohibited public nuisance:

- i. A complaint about the sound is received by the Town;
- ii. The sound complained of is plainly audible by the Zoning Code Administrator from within any occupied structure that is not at the same address where the source of the sound is located or from a distance of one hundred (100) feet from where the source of the sound is located; and
- iii. The Zoning Code Administrator observes that the sound is repetitious and documents the date and time during which he/she observed any such repetition.

5. Abatement of Public Nuisances.

- a. Non-exclusive authority to abate. The Town may choose to abate any public nuisance resulting from any violation of the Ordinance through any of the enforcement methods set forth in the Ordinance or in other local, state or federal law, and nothing provided for herein shall be construed as limiting, prejudicing or adversely affecting the Town's ability to concurrently or consecutively use any enforcement/abatement proceedings as the Town deems advisable under the circumstances.

6. Emergency Cleanup or Abatement.

In order to effectively enforce the provisions of this Ordinance, when the Board, after notice and hearing, finds by resolution that the severity of the public nuisance threatens public health and safety, and therefore warrants immediate action, the Board may authorize and order abatement of the public nuisance. The costs of such cleanup and abatement may be recovered by the Town in a civil action, and any unpaid costs so ordered shall become a lien upon the property as provided for in Section 15.8 of Article 15, Administration and Enforcement. Any such emergency cleanup or abatement shall not relieve the person liable for the violation of any further action which may be taken by the Town including, but not being limited to, being held liable for any violations of this Ordinance or provisions of any other applicable law, ordinance or regulation

**Section 22.4 Livestock And Exotic Animals**

- A. Purpose. To establish standards for exotic animals and for the keeping of livestock within the Town's jurisdictional limits.



- B. Any interlocal agreements enacted by the Town shall take precedence over the provisions contained within this section.
- C. Exotic animals. No person may keep within the Town any exotic animal.
- D. Animal units. The concept of an ‘animal unit’ is a convenient method for use in calculating relative grazing impact of different kinds and classes of domestic livestock. For the purposes of this section, an animal unit (AU) is 1,000 pounds of live weight. Animal units shall be based on the weights for mature animals given in Table 22.1 Animal Units, or otherwise provided by the Zoning Code Administrator.
- E. Running at large. It shall be unlawful for the owner or keeper of any livestock to permit the livestock to be or run at large within the Town’s jurisdictional limits. No enclosure for any livestock shall be erected or maintained within the front or side yard.
- F. Permit required. Keeping livestock within the Town’s jurisdictional limits shall be allowed provided that: (i) a permit is obtained through the Town in accordance with this Section and (ii) all provisions in the Zoning Ordinance and applicable interlocal agreements are met, specifically provisions regulating animal cruelty and control and public nuisances. No permit shall be issued until the appropriate application has been filed with the Town Manager.
  - 1. No permit may be issued for any livestock unless the permit applicant demonstrates that the livestock will be kept on a tract of land complying with the following standards:
    - a) For livestock with mature animal units greater than 0.09, there shall be at least 1 acre set aside per animal unit.
    - b) For livestock with mature animal units of 0.09 and less, there shall be at least ½ acre set aside per animal unit.
    - c) Locations and sizes of enclosures are provided on a site plan to be included with the permit application.

**Table 22.1 Animal Units**

<b>Animal Type</b>	<b>Weight (lb)</b>	<b>Animal Unit</b>	<b>Area Required Per Animal (acres)</b>	<b>Area Required Per Animal (sq. ft.)</b>
<b>Cow</b>	<b>1,400</b>	<b>1.4</b>	<b>1.4</b>	<b>60,984</b>
<b>Goat</b>	<b>150</b>	<b>0.15</b>	<b>0.15</b>	<b>6,534</b>
<b>Horse</b>	<b>1,250</b>	<b>1.25</b>	<b>1.25</b>	<b>54,450</b>
<b>Poultry</b>				
<b>Chicken</b>	<b>5</b>	<b>0.005</b>	<b>0.0025</b>	<b>109</b>
<b>Duck</b>	<b>15</b>	<b>0.015</b>	<b>0.0075</b>	<b>327</b>
<b>Turkey</b>	<b>20</b>	<b>0.02</b>	<b>0.01</b>	<b>436</b>
<b>Rabbit</b>	<b>5</b>	<b>0.005</b>	<b>0.0025</b>	<b>109</b>
<b>Sheep</b>	<b>200</b>	<b>0.2</b>	<b>0.2</b>	<b>8,712</b>
<b>Swine</b>	<b>400</b>	<b>0.4</b>	<b>0.4</b>	<b>17,424</b>

- 2. Waste. Waste generated from the keeping of livestock (manure, etc.) must be properly managed so as not to create a nuisance (such as odor complaints) and properly handled so as not to create surface water degradation or groundwater degradation. All federal, state, and local laws, rules, and regulations governing waste management, pollution abatement, health, and safety shall be strictly adhered to.

3. Subject to the provisions of G.S. 106-701, the requirements of this section apply to exotic animals and livestock present within the Town's jurisdictional limits on the effective date of these provisions as well as livestock brought into the Town thereafter; provided that, however, owners of exotic animals or livestock within the Town on the effective date of these provisions shall not be deemed in violation of this section until thirty (30) days after the effective date and have either failed to apply for the required permit during that time or upon application, have been denied a permit and failed to remove the livestock or exotic animals within thirty (30) days after the denial.
4. A permit issued in accordance with this section may be revoked by the Zoning Code Administrator for any reason justifying denial of a permit application as set forth herein. If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the determination of a violation, the Town Manager shall notify the owner of the violation in writing with instructions to resolve the violation, which may include a specified time frame to bring the property or condition into compliance with this section, or to remove the animals from the premises.
5. Application Denial
  - a) Incomplete; False. The Town Manager shall deny, within ten (10) business days after receipt of same, any application that is incomplete or inaccurate, contains false material statements or omissions, or includes elements in violation of any standard herein. The Town Manager may deny an application at any time prior to the expiration of the ten (10) day period if the application is incomplete, inaccurate, or contains false material statements or omissions, and return such an application to the applicant. An application denied for one (1) or more of the reasons provided in this Section shall be accompanied by a written notice indicating the grounds upon which the denial is based.
  - b) Processing Time; Action. The Town Manager shall process all complete and accurate livestock permit applications within ten (10) business days of the Town's receipt of an application. The Town Manager shall provide written notice to the applicant of his/her decision. An application meeting the standards of this Article shall be granted. Failure of the Town Manager to act within the ten (10) day period shall be deemed an approval of the permit.
  - c) Appealable. A denial pursuant to this Section shall be appealable pursuant to the procedures for Appeals outlined in Section 9.7 of the Zoning Ordinance.
  - d) Resubmission. A denied application later resubmitted in conformity with this Article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application that is resubmitted shall meet all the standards for an original application.
6. Permit Revocation
  - a) Should it be determined that a livestock permit was issued pursuant to an application containing a false material statement or omission, the Town Manager shall revoke said permit and the subject livestock shall be removed within thirty (30) days after the revocation. The permittee shall be notified in writing of the revocation and said notice shall indicate the grounds upon which the revocation is based.
  - b) The violation of any provision of this Article shall be grounds for revoking a permit.

- c) Revoking a permit does not in any way preclude or limit the Town from taking any action or invoking any remedies authorized by this Ordinance and any other applicable legal authority.

#### 7. Appeal of Permit Revocation

- a) A revocation pursuant to this Section shall be appealable pursuant to the procedures for Appeals as set forth in Section 9.7 of the Ordinance.

#### G. Persons Liable

1. The owner, tenant, or occupant of any structure or property, or part thereof, and/or the authorized agents or representative(s) of the same, creating, maintaining, or allowing the existence of any situation in violation of this Section may be held responsible for the violation and be subjected to the remedies and penalties herein provided.

#### H. Violations, Enforcement, And Penalties

1. Violations. The following, without limitation, shall constitute violations of this Article:
  - a) Noncompliance. The keeping of livestock or exotic animals in violation of the standards set forth herein;
  - b) Failure to Permit. The keeping of livestock without first obtaining a permit from the Town.
2. Enforcement of Violations
  - a) The procedures upon the Town's discovery of any violation of this Section, and the penalties and remedies applicable to any such violations, shall be as set forth in Sections 15.6, *Procedures Upon Discovery of Violations*, and 15.7, *Penalties and Remedies for Violations*, under Article 15' *Administration and Enforcement*' of the Ordinance.
  - b) In addition, violations of this Section shall be deemed to constitute a public nuisance such that the provisions of Section 22.3, *Public Nuisances*, under Article 22, *Miscellaneous* shall be fully applicable to said public nuisance.

#### **Section 22.5 Firearms Ordinance**

It shall be unlawful for any person to fire a gun, rifle, pistol or other firearm, including air rifle, gun or pistol or spring gun or pistol or other similar device which impels with force any shot or pellet of any kind, within the town, except in case of self-defense or necessity. This section shall not apply to:

1. An officer lawfully discharging his duty.
2. Licensed shooting galleries.

#### **Section 22.6 Swimming Pool Ordinance**

Outdoor swimming pools:

1. Except as otherwise provided in this section, no person shall construct or maintain in the town any permanent outdoor swimming pool that contains water over 24 inches deep, (including in-ground, above-ground, and on-ground pools, hot tubs, spas, and fixed-in-place wading pools) unless the pool is completely surrounded by a fence,

wall, or barrier not less than four (4) feet in height, or a screen enclosure, where openings shall not permit the passage of a 4-inch diameter sphere, and is equipped with self-closing and self-latching gates.

2. The requirements of this section shall not apply to commercial pools and pools operated by hotels that are under constant surveillance.
3. The requirements of this section shall apply to outdoor swimming pools existing within the town on the effective date of this section as well as to swimming pools constructed thereafter. However, owners of outdoor swimming pools existing within the Town on the effective date of this section shall not be deemed in violation of this section until after they have been notified in writing of its requirements and have been given a reasonable period of time up to (90) ninety days to place walls or fences around existing pools, and have failed to do so.
4. Shrubbery or plantings are not acceptable as a fence or barrier.
5. A swimming pool shall be located in the side or rear yard.
6. Swimming pool setbacks shall be measured from the property line to the apron of the swimming pool or any permanent construction of the pool which extends closest to the property line.
7. The swimming pool shall not extend beyond the front façade of the principal structure. For a corner lot the swimming pool shall not extend beyond the side façade of the principal structure on the street side of the structure.
8. The swimming pool must be set back five (5) feet from any property line.
9. Entrances through the fence or wall shall be provided with gates that have self-latching mechanisms.

### **Section 22.7 Electronic Gaming Operations**

(A) Authority.

The provisions of these regulations are adopted by the Belville Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, General Statute 160D-108(d) and 160D-603. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Belville.

(B) Intent.

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Belville this article is adopted by the Board of Commissioners to regulate electronic gaming operations, as hereby defined, located in the jurisdiction of Belville. Further the regulations of this article have been made with reasonable consideration, among other things, as to the character of Belville and its areas and their peculiar suitability for these businesses.

(C) Abrogation.

These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions,

regulations previously adopted pursuant to law in any established zoning district in Belville. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

(D) Application of Regulations.

Electronic Gaming Operations shall be regulated as to location in the following manner in addition to any other requirements of this code:

- (1) No Electronic Gaming Operation shall be permitted in any building:
  - (a) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
  - (b) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
  - (c) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
  - (d) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
  - (e) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
  - (f) located within fifteen hundred feet (1,500') in any direction of any publicly owned or operated facility.
  - (g) located within fifteen hundred feet (1,500') in any direction from a building in which an Electronic Gaming Operation is located.
- (2) The maximum number of machines, terminals, or computers for any Electronic Gaming Operations is three (3).
- (3) Electronic Gaming Operations shall be located only in an I (Industrial) Zoning District as a permitted accessory use and shall be established by Special Use Permit.
- (4) All minimum requirements of the I Zoning District for the principle use on the lot shall be met.
- (5) Hours of operation for Electronic Gaming Operations shall be limited to 8:00 AM through 12:00 Midnight, Monday through Saturday, and 12:00 Noon to 12:00 Midnight on Sunday.

(E) Nonconforming Electronic Gaming Operations.

Any Electronic Gaming Operation lawfully operating as of the effective date of this ordinance that is in violation of any provision of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of one hundred eighty (180) days or more it may not be reestablished. If on the effective date of this ordinance a lawfully operating Electronic

Gaming Operation is located within fifteen hundred feet (1,500') of any other lawfully operating Electronic Gaming Operation, and if both businesses are otherwise in conformance with the provisions of this section, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. An Electronic Gaming Operation lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

(F) Severability.

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this article is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same would have been enacted by the Board of Commissioners without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**Section 22.8 Temporary Uses**

- a) Purpose. This Article recognizes that there is a need to allow for Temporary Uses within the Town and that because of the circumstances related to Temporary Uses, it is necessary to provide specific, separate and distinct guidelines and standards to regulate them. It is therefore the express intent of these provisions to minimize potentially adverse impacts from Temporary Uses by eliminating, to the extent possible, problems, threats or dangers to public health, safety or welfare which could result from a Temporary Use. This Article is intended to apply to Temporary Uses only with the understanding that regular activities conducted at a fixed location are regulated by other provisions within this ordinance.
- b) Application of Regulations. The definition of a Temporary Uses is provided in Article 3 of the Zoning Ordinance.
  - i. No Temporary Use is authorized unless and until a permit has been issued by the Town Manager; provided that nothing in this section shall be construed to prevent Expressive Conduct as provided for under Sec. 22.8 herein.
  - ii. All holders of permits granted and approved by the Town Manager pursuant to this Article shall, by signature on the permit application, release, hold harmless and agree to indemnify the Town in all respects from and against any and all claims and liabilities whatsoever arising out of or related to an authorized Temporary Use.
  - iii. Any Temporary Use incorporating the sale of food shall be approved by the County Health Department through the applicant obtaining a Temporary Food Establishment (TFE) Permit. A copy of the TFE permit shall be delivered to the Town Manager prior to the commencement of the Temporary Use.
  - iv. Any Temporary Use requiring a temporary connection to or use of utilities shall require the applicant to coordinate with the utility provider and obtain specific approval for said connections and use. Documentation of having obtained such approval shall be delivered to the Town Manager prior to the commencement of the Temporary Use.

- c) Permit Required. The Town Manager may issue a Temporary Use permit subject to the following conditions:
  - i. The use will not significantly disrupt public transportation or other vehicular and pedestrian traffic in the area of its route, including, specifically, the displacement of vehicular parking into adjacent or neighboring commercial and residential areas.
  - ii. The use will not conflict with construction or development activities within public spaces, rights-of-way or public facilities.
  - iii. The use will not require the diversion of a significant number of Town employees or law enforcement personnel from their normal duties.
  - iv. The use will move from its assembly location to its disbanding location expeditiously and without stopping en route.
  - v. The use will not significantly interfere with any other Temporary Use for which a permit has already been granted or with the provision of Town services.
  
- d) Exclusions. The Town Manager shall not issue a Temporary Use permit if:
  - i. Sufficient funding and/or resources necessary to provide the services or equipment deemed necessary for the use are not available; or
  - ii. The use will interfere with the movement of emergency vehicles to such an extent that emergency services cannot be effectively provided throughout the Town; or
  - iii. The applicant has failed to obtain all other required permits or licenses; or
  - iv. The applicant is in violation of any Town ordinance; or
  - v. The applicant fails to provide a certificate of liability coverage to the Town; or
  - vi. The use will create unreasonable hardships for persons occupying property adjacent to the use's site or route; or
  - vii. The use will unreasonably disrupt vehicular or pedestrian traffic; or
  - viii. The applicant has failed to comply with any of the provisions of this Article including but not limited to payment of any required fees and costs; or
  - ix. A Temporary Use permit has previously been applied or issued for substantially the same location and time requested in the application.
  
- e) Temporary Uses Involving Animals. No Temporary Use in which animals are involved shall be conducted without a permit obtained from the Town Manager in accordance with the following:
  - i. The Town Manager shall require a security deposit in the amount of \$500 (where five or less animals are involved) or \$1,000 (where more than five animals are involved), to provide for cleaning the Town streets or property after the Temporary Use is completed. The security deposit shall be refunded to the applicant unless the Town Manager determines that the applicant has not performed satisfactory cleaning to restore the site to its original condition.
  - ii. All holders of permits granted and approved by the Town Manager under this Article shall hold harmless and indemnify the Town, in all respects, against any and all claims and liabilities whatsoever arising out of or related to the use of animals for the Temporary Use. The agreement to indemnify the Town shall be plainly stated and provided with the certificates of insurance coverage required under this Article.
  - iii. The Town Manager and Brunswick County Animal Services officers shall have the authority to specify the conditions, for the protection of the public and the animals, under which animals will be used for any Temporary Use.
  - iv. The applicant shall be responsible for immediately cleaning up and removing all animal waste occurring during the Temporary Use. All such waste shall be disposed of in accordance with all applicable local, state, and federal regulations.

- v. Any Temporary Use incorporating livestock must obtain approval through the County Health Department showing compliance with appropriate sanitation requirements including, but not being limited to, hand wash stations. Documentation of having obtained such approval shall be delivered to the Town Manager prior to the commencement of the Temporary Use.
- f) Temporary Structures for Construction or Development - In any zoning district, temporary structures may be erected or located on the subject parcel as set forth below:
- i. Temporary buildings, mobile offices, or trailers, not exceeding 400 sq. ft. per contractor or developer, may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed within thirty (30) days after completion of the project or development, after voluntary suspension of work on the project or development, after revocation or expiration of building permit or an order by the Building Inspector upon a finding that said temporary structure is deemed hazardous to the public health and welfare. Upon the approval of the Zoning Code Administrator, such temporary structures may also be used as 24-hour security offices to protect materials being stored on a construction site provided the structure meets all applicable requirements and is not used for residential purposes. No such building may, however, remain on the site for more than one year without renewals of the permit, for additional one (1) terms, by the Town Manager.
  - ii. Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of ninety-five percent (95%) of the dwelling units or lot of said tract unless prior approval is given by the Administrator.
  - iii. Temporary buildings and trailers shall meet the required setbacks of the zoning district in which such temporary building or trailer is located.
  - iv. Temporary uses under this subsection shall obtain written permission from the property owner for such use and shall be submitted with the permit application.
  - v. Manufactured Homes rated for residential use may only be used for residential purposes and not any other temporary or permanent use.
- g) Temporary Manufactured Homes. Temporary use of a manufactured home as a residence shall be permitted in any district in cases where the permanent home has been destroyed through no fault of the owner or tenant or when completing the construction of a new home. A Temporary Use Permit must be obtained from the Town Manager before the use of the manufactured home is initiated. This permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than twice, unless specifically approved by the Board for additional time.
- h) Temporary Modular/Manufactured Offices
- i. Modular or Manufactured offices may be permitted on a temporary basis for office or business purposes in cases where a new building for the use is under construction or where the permanent structure has been destroyed through no fault of the owner or tenant. A Temporary Use Permit must be obtained before the use of the office is initiated. This permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.
  - ii. Manufactured homes rated for residential use may only be used for residential uses and not for other temporary or permanent uses.



- iii. Licensed motor vehicles used as an accessory use by a public or nonprofit entity for such purposes as book mobiles, blood mobiles, medical services, or educational purposes will not require a permit unless set up for use on a site for more than 7 days.
- i) Permit Application
- i. Application for a Temporary Use permit seeking the closure of a public street, sidewalk, public space, or other Town facility shall be submitted to the Town Manager not less than forty-five (45) days prior to the planned commencement of the use on a form provided by the Town Manager that shall contain the following information:
    - a. Name, address, and telephone number of the person, organization or entity seeking to conduct or sponsor the use and the individual contact person in charge of the use.
    - b. The proposed dates and times for the temporary use and the estimated number of people expected to attend.
    - c. Certificate of liability insurance as required by this Article.
    - d. A sketch map showing:
      - i. Boundary of the area where the use is to take place;
      - ii. Names of any streets to be closed or obstructed;
      - iii. A clear route map with turn-by-turn directions must accompany all applications involving parades, runs and processions;
      - iv. Location of any barriers or traffic control devices that will be erected;
      - v. Location of any concession stand, booth, proposed fences, stands, platforms, benches, bleachers or other temporary structures or facilities; and
      - vi. The number and type of animals included as part of the use if applicable.
        - 1. Approval of animals involved in any Temporary Use is subject to the section of the Article entitled, "Temporary Uses Involving Animals," and the location of the animals must be specified on the sketch map.
    - e. Method for managing and providing for the disposal of trash, recyclables, and temporary sanitary wastes (portable toilets).
    - f. Any other information determined by the Town Manager to be necessary to ensure compliance with these provisions.
    - g. In the event a Temporary Use will be located on property not owned by the applicant for the permit, then the written consent of the property owner authorizing the Temporary Use on the property shall be submitted with the application.
  - ii. Application for a Temporary Use permit that does not seek the closure of a public street, sidewalk, public space, or Town facility shall be submitted to the Town Manager not less than forty-five (45) days prior to the planned commencement of the use on the same form as provided in i)i.a.-g. above.
  - iii. Each application shall be accompanied by a \$100 application fee before being reviewed and considered. The Town Manager shall waive this requirement for nonprofit organizations submitting valid proof of their 501(c)3 status, as well as temporary religious or temporary evangelistic activities. If the application is denied, the application fee will not be refunded.
  - iv. If a permit is issued, the Town Manager may attach any reasonable conditions that serve to promote the protection of the public safety and health. Any use held pursuant to a permit issued under this Article shall be conducted within the applicable terms therefore including any attached conditions.
- j) Insurance Requirement. The Town Manager shall require, as a condition to the issuance of a permit, that the applicant obtain a comprehensive general liability insurance policy providing coverage within the entire area described in the application for the permit. The Town

Manager is authorized to waive this requirement if deemed appropriate under the circumstances of the proposed use.

- i. The Town shall be named as an additional insured under any comprehensive general liability policy required under this Article.
  - ii. A certificate of insurance shall be provided to the Town by the applicant as proof of such coverage.
    - a. Any required policy shall provide for, at a minimum, the following limits:  
\$1,000,000 Combination - Single Limits of General Liability Insurance.
- k) Fees; Costs Incurred by the Town. If extraordinary services or equipment are requested by the applicant or deemed necessary by the Town Manager for the protection of the public health and safety, then, as a condition to the issuance of a permit, the applicant may be required to provide an additional fee in an amount to be determined by the Town Manager. Applications for extraordinary Temporary Uses may also be required to provide a security deposit, in an amount to be determined by the Town Manager, in order to alleviate the burden to the Town regarding cleanup activities. The security deposit shall be refunded to the applicant unless the Town Manager determines that the applicant has not performed satisfactory cleaning to restore the site to its original condition.
- l) Permit Revocation. Upon violating of the terms of a permit issued under this Section, the Town Manager is authorized to revoke the permit and direct those participating thereunder to immediately cease and desist from the Temporary Use.
- m) Right of Appeal. Any appeal of a denied or revoked Temporary Use shall be made to the Board of Adjustment in accordance with the provisions of Section 9.7.2.A of the Zoning Ordinance.
- n) Street Closing. The Town Manager is authorized to permit the temporary closing of a street or other public right-of-way for those streets and rights-of-way under the jurisdiction of the Town. Any temporary closing of a street or part thereof owned and or maintained by the State of North Carolina shall require concurrence by the North Carolina Department of Transportation (NCDOT). Application for such concurrence by NCDOT shall be the responsibility of the applicant and documentation of any such concurrence shall be delivered to the Town Manager prior to the commencement of the use.
- o) Temporary Parking Restrictions. The Town Manager is authorized to prohibit, on a temporary basis, the parking of vehicles under the following circumstances:
  - i. Along event routes or on closed streets pursuant to the Temporary Use permit for a period of two (2) hours before the use begins, during the time of the use, and up to two (2) hours after it has been completed.
- p) Signage. All signage associated with a Temporary Use shall conform to Article 12 of the Zoning Ordinance. It shall be unlawful for any person or entity to place, post, paint, erect, display, secure, or maintain any sign or banner pertaining to the Temporary Use unless it has been approved by the Town Manager in accordance with the provisions of Article 12.
- q) Temporary Waste Management. It shall be the responsibility of the holder of a Temporary Use permit to provide management and proper disposal of any and all waste generated by the use, including but not limited to trash, recyclable materials, and temporary sanitary facilities (portable toilets). Issuance of a Temporary Use permit shall require the holder thereof to satisfactorily demonstrate that arrangements for temporary waste management are in place and adequate for the size and duration of the Temporary Use.

- r) Reservation Of Picnic Shelters. Persons/entities that intend to utilize the picnic shelters located on Town parks are not required to obtain a Temporary Use Permit, nor are they required to obtain a picnic shelter reservation; however, picnic shelters may be reserved by utilizing the Picnic Shelter Reservation Application.

## **Section 22.9 Expressive Conduct**

### **A. Notice of Expressive Conduct.**

1. Notification required. The organizer(s) of Expressive Conduct, the definition of which is set forth in Article 3 herein, by a group of 10 or more individuals shall give notice of intent to engage in the Expressive Conduct to the Brunswick County Sheriff's Department and the Town Manager no later than forty-eight (48) hours before the conduct is to occur. The notice of intent shall include the following information:
  - a) The name, address, and contact telephone number for the organizer of the Expressive Conduct;
  - b) The name, address, and contact telephone number of the person giving notice of the Expressive Conduct if different from the organizer;
  - c) The name of the organization or group sponsoring the Expressive Conduct;
  - d) The location where the Expressive Conduct will take place;
  - e) The date and time the Expressive Conduct will begin and end; and
  - f) The estimated number of participants and the basis on which this estimate is made.
2. Receipt of notification. Upon notice of intent given in accordance with subsection A.1. above, the Town Manager shall issue a receipt of notice. The receipt shall contain all information stated in the notice. The organizer of the Expressive Conduct shall be responsible for maintaining the receipt presenting it when so requested by a law enforcement officer or Town official.
3. It shall be unlawful for any person to violate any provision of this section.

### **B. Expressive Conduct Regulations.**

1. Expressive Conduct may be conducted on public sidewalks, at Town Hall, at any other Town-controlled park, or at other Town-owned areas normally used or reserved for pedestrian movement, including easements and rights-of-way, and shall not be conducted on any portion of public streets and roads used primarily for vehicular traffic.
2. Notwithstanding subsection B.1. above, Expressive Conduct may not be conducted:
  - a) On a median strip; or
  - b) At a location directed, focused, or targeted at a particular private residence.
3. Expressive Conduct shall not disrupt, block, obstruct, or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.
4. Written or printed placards or signs, flags, or banners carried by individuals engaged in Expressive Conduct shall be of such a size and/or carried on the sidewalks or other Town-owned areas, as to allow safe and unobstructed passage of pedestrian or vehicular traffic. The staff or pole on which a sign, flag, or banner may be carried shall be made of corrugated material, plastic, or wood, and shall not exceed 40 inches in length by 24 inches in height and shall not be made of metal or metal alloy. If made of wood, the staff or pole shall be no greater than three-fourths inch in diameter at any point. A staff or pole must be blunt at both ends.
5. If more than one group provides notice of engaging in Expressive Conduct at the same time and at or near the same location, law enforcement officers and/or the Town Manager

- may, without regard to the purpose or content of the respective Expressive Conduct, assign each group a place to engage in such conduct to preserve the public peace. Members of a group shall not enter an area assigned to another group and priority of location shall be based upon which group arrived first.
6. Spectators of Expressive Conduct shall not physically interfere with individuals engaged in the conduct. All participants and spectators shall refrain from speaking fighting words or threats tending to provoke a reasonable person to a breach of the peace.
  7. Expressive Conduct shall be subject to all applicable local, state, and federal laws
  8. Nothing in this section prohibits a law enforcement officer from issuing a command to disperse in accordance with North Carolina General Statute § 14-288.5 in the event of a riot or disorderly conduct by an assemblage of three or more persons.
  9. It shall be unlawful for any person to violate any provision of this section.

### **Section 22.10 Emergency Management**

#### **1. Intent.**

This section supplements the provisions of N.C.G.S. §§14-288.1, *et seq.*, *Riots and Civil Disorders*, and §§ 166A-1, *et seq.*, *North Carolina Emergency Management Act* which set forth the authority and responsibilities of the Town in preparing for, responding to, and recovering from states of emergency. As used herein a “state of emergency” shall be deemed to exist when, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, or property during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, or whenever the occurrence of any such condition is imminent.

#### **2. Proclamation.**

- A. In the event of an existing or threatened state of emergency, the Board of Commissioners (“Board”) is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and placing in effect any or all of the prohibitions and restrictions authorized herein.

In the event a majority of the Board is unable to meet together or simultaneously communicate by conference telephone or other electronic means to participate in deliberations, vote upon, or otherwise transact public business, then the Mayor shall be authorized to issue a proclamation declaring a state of emergency and imposing the prohibitions and restrictions authorized herein. In the absence or disability of the Mayor, then the Mayor Pro Tem shall have the authority to issue a proclamation if a majority of the Board is unable to officially meet to consider the need for such a proclamation.

- B. The proclamation may limit the application of any part or all of the prohibitions and restrictions to specific areas within the Town and to specific hours of the day or night; and to exempt from any part or all of the prohibitions and restrictions, while acting in the line of and within the scope of their respective duties, any or all of the following classes:
- i. Law enforcement officers, firemen and other public safety employees;
  - ii. Medical care providers, including rescue squad members, doctors, nurses, employees of hospitals and other medical facilities;
  - iii. On-duty military personnel whether state or federal;
  - iv. On-duty employees of public utilities, public works, and public transportation companies;

- v. On-duty credentialed employees of newspaper, magazine, radio broadcasting, television broadcasting, and digital media outlets; and
- vi. Such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the Town.

**3. Contents and Publication of Proclamations.**

- A. By proclamation, the Board may impose the prohibitions and restrictions authorized herein and may impose as many of the authorized prohibitions and restrictions as are found to be necessary to maintain acceptable levels of public order and services and to protect lives, safety, and property. These findings shall be set forth in the proclamation which shall be in writing.
- B. For the purpose of requiring compliance therewith, publication of the proclamation may consist of reports of the substance of the prohibitions and restrictions in the mass communications media serving the affected area or other effective methods which will quickly disseminate the contents of the proclamation provided that, as soon as it is practicable to do so, appropriate distribution shall be made of the proclamation's full text. The Town Manager shall also provide notice of the proclamation's contents by posting a copy thereof at Town Hall and on the Town's official website.

**4. Effective Time, Amendment, Extension, and Rescission of Proclamations.**

- A. All prohibitions and restrictions imposed by proclamation shall take effect immediately upon publication of the proclamation unless a later time is set forth therein.
- B. Prohibitions and restrictions may be amended, extended as to time or area or rescinded by proclamation. Prohibitions and restrictions imposed by proclamation shall expire five (5) days after their last imposition unless sooner terminated by the Board.

**5. Emergency Powers and Management.**

- A. During a state of emergency, the following prohibitions and restrictions may be imposed by proclamation:
  - i. Limiting movements of people in public places, including directing and compelling the evacuation of all or part of the population from any stricken or threatened area within the Town limits; to prescribe routes, modes of transportation, and destinations in connection with evacuation; to control ingress and egress of a public area; and to prohibit or otherwise restrict access to, or attempting to obtain access to, any area in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted;
  - ii. Imposing a curfew prohibiting, in certain areas and during certain periods of time, the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area and the period of time during each 24-hour day to which the curfew applies;
  - iii. Limiting the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
  - iv. Limiting the possession, transportation, sale, purchase, and consumption of alcoholic beverages;

- v. Limiting the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances;
  - vi. Limiting the possession, transportation, sale, purchase, storage, and use of fuels, including gasoline;
  - vii. Regulating the sales price of goods and the cost of services to prevent price gouging. As used herein and with respect to the sales price of goods, “price gouging” means the sale of goods in excess of the manufacturer’s suggested retail price or at a price above the pre-emergency level unless the seller can document having purchased the goods to be sold at an increased cost. As used herein and with respect to the cost of services, “price gouging” means providing the services at a cost greater than that customarily charged for such services in a non-emergency situation unless the service provider can document special circumstances or expenses justifying a higher cost. Any restrictions imposed by proclamation against price-gouging shall remain in effect for a period of ninety (90) days following the initial publication of the proclamation; and
  - viii. Limiting other activities or conditions the restriction of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.
- B. As part of its emergency management measures, and as provided for by N.C.G.S. § 166A-7(d)(1)-(4) of the North Carolina Emergency Management Act, the Board is authorized to:
- i. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes, and to otherwise provide for the health and safety of persons and property;
  - ii. To direct and coordinate the development of emergency management plans and programs in accordance with the policies and standards set by the North Carolina Division of Emergency Management;
  - iii. Assign all available emergency management resources to and make all such resources available for emergency management services within or outside of the Town’s corporate limits;
  - iv. Delegate powers for local states of emergency to appropriate Town officials; and
  - v. Coordinate the voluntary registration of functionally and medically fragile persons in need of assistance during a state of emergency either through a registry established by the Town or by the State. All records, data, information, correspondence, and communications relating to the registration of persons with special needs or of functionally and medically fragile persons obtained pursuant to the provisions herein are and shall remain confidential and are not a public record as provided for in N.C.G.S. § 132-1 or any other applicable statute provided that, however, any such information shall be available to emergency response agencies, as determined by the local emergency management director, and used only for the purposes set forth herein.

**6. Enforcement.**

- A. Any person violating any provision of an ordinance or proclamation enacted or proclaimed under the authority of this section shall be guilty of Class 3 misdemeanor.
- B. A violation of any such provision shall also subject the offender to a civil penalty in the amount of \$500.00 which may be recovered by the Town in a civil action in the nature of a debt if the offender does not pay the penalty within fifteen (15) days after having been

issued a citation for such violation. For the purposes of this section, each new day's continuing violation of such provision shall constitute a separate and distinct offense for which a separate and distinct civil penalty shall be imposed.

**7. Mutual Aid Agreements.**

The Town, with the concurrence of the Board and subject to approval by the Governor, may enter into mutual aid agreements for reciprocal civil preparedness aid and assistance. Such agreements shall be consistent with state and local emergency management programs and plans.

**Section 22.11 Golf Carts**

**1. Purpose.**

This section addresses the interest of public safety under the provisions of General Statute 160A-300.6 which provides the Town with the authority to regulate the use of golf carts which have not been outfitted and registered as required by state law. This section establishes the basic minimum standards of care to be used by the operators of golf carts on the streets, roads, and highways located within the Town's jurisdictional limits. Likewise, public safety requires that golf carts, when used as a means of transportation, must also meet certain minimum safety standards which can only be assured through a system of registration and inspection required to protect the public health, safety, and welfare.

**2. Operation of golf carts allowed; exceptions.**

- A. Allowed. The operation of golf carts on the streets, roads, and highways within the Town's jurisdictional limits and on property owned or leased by the Town when in compliance with the provisions of this section shall be permitted; however, it shall be unlawful to operate any golf cart that is not properly registered with the Town or to operate any golf cart at any place or in any manner not authorized herein.
- B. Exceptions. The operation of golf carts is not subject to the provisions of this section under the following circumstances:
  - i. The operation of golf carts at golf courses, private clubs, or on private property, with the consent of the owner;
  - ii. The use of a golf cart in connection with a parade, festival, or other special event provided the consent of the sponsor is obtained and provided such vehicle is only used during such event; or
  - iii. The use of golf carts by law enforcement, emergency, or Town personnel for official business.

**3. License required.**

No person who is less than sixteen (16) years of age, or who does not have a valid driver's license issued under or granted by the laws of this state or some other state, may operate a golf cart on any street, road, or highway within the Town's jurisdictional limits or on any property owned or leased by the Town. For purposes of this section, a learner's permit shall not be considered as a valid driver's license, nor shall any license that has been revoked, temporary or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of revocation or suspension

#### 4. **Registration.**

- A. **Required.** No golf cart may be operated on any street, road, or highway within the Town's jurisdictional limits or on property owned or leased by the Town unless the golf cart has first been registered with the Town Manager as provided for herein. The registration shall be renewed thereafter in accordance with the provisions of this section. To evidence the registration, the owner shall be issued a biennial permit which shall be displayed in a prominent, visible place on the rear fender of the golf cart or at such other place as may be approved by the Town Manager. The permit may contain a registration number assigned for the particular golf cart and may contain an expiration date.
- B. **Registration fee.** A registration fee in the amount of twenty-five dollars (\$25.00) shall be paid to the Town at the time the application for registration is filed or for any renewal of the registration.
- C. **Application.** The application for registration shall be made to the Town Manager, or his/her designee, on forms provided by the Town. The application may, among other things, require the owner's name, street address, mailing address, phone number, the make, model, and identification or serial number of the golf cart, proof of insurance and such other information as may be reasonably required including a release or disclaimer of liability by the Town for accidents involving the registered golf cart.
- D. **Procedures.** The Town Manager may establish written procedures, consistent with this section, setting out the registration process including the form of the application, the checklist for items to be inspected, and the type of sticker, plate, or tag evidencing the issuance of the registration permit.
- E. **Inspection.** Prior to issuing the initial registration permit or any renewal thereof, the golf cart shall be inspected by the Town Manager or his/her designee to determine that:
- i. The golf cart is equipped with a rear vision mirror and a minimum of two (2) red rear reflectors three (3) inches or more in height and width;
  - ii. The golf cart is equipped with a reflective "slow moving sign" or "flag" on the rear of the cart;
  - iii. The brakes provided by the manufacturer of the golf cart are in proper working order;
  - iv. The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of twenty-five (25) mph nor otherwise modified in any way that creates a hazard; and
  - v. The golf cart is equipped with all mechanical systems and safety equipment required by this section.
- F. **Denial and revocation.** The registration of a golf cart may be denied or subsequently revoked by the Town Manager if it is determined that:
- i. The application contains any material misrepresentation;
  - ii. Financial responsibility requirements established under the General Statutes (liability insurance) have not been met;
  - iii. The golf cart is not in compliance with the requirements set forth above;
  - iv. The golf cart has been altered or customized such that it no longer meets the definition of a golf cart;



- v. Equipment supplied by the manufacturer, including in particular safety equipment and/or the vehicle identification or serial number, has been removed from the golf cart; or
  - vi. Other good cause shown including repeated violations of this section.
- G. **Financial responsibility.** The owner of a golf cart required to be registered with the Town shall retain in full force and effect, and continuously throughout any period of registration, the financial responsibility in the minimum amounts and in the manner defined and described in Chapter 20, Article 9A of the North Carolina General Statutes, as amended, or in any other law of the State requiring financial responsibility for the registration and/or operation of a motor vehicle.
- H. **Disqualified vehicles.** ATV's, tractors, and utility vehicles may not be registered as a golf cart nor shall such vehicles be operated on the streets, roads, and highways within the Town's jurisdictional limits unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the state.
5. **Manner of operation.**

Golf carts shall not be operated on the streets, roads, and highways within the Town's jurisdictional limits, except in full compliance with the provisions of this section as follows:

- A. **Hours of operation.** Golf carts may be operated on the streets, roads, and highways within the Town's jurisdictional limits from one-half (½) hour after sunrise to one (1) hour before sunset, except that golf carts equipped with at least one operating headlight, having at least a 55-watt halogen bulb, or equal, on the front of the golf cart, and operating, functional taillights, all of which are visible for a distance of not less than two hundred fifty (250) feet, may be operated at any time.
- B. Golf carts may not be operated when fog, smog, smoke, or other conditions reduce visibility such that the golf cart is not visible for a distance of two hundred fifty (250) feet.
- C. **Streets.** Golf carts may not be operated on any street, road, or highway, or any sections thereof, where the posted speed limit is more than thirty-five (35) mph except for the sole purpose of crossing such street, road, or highway either at a signalized intersection or at a perpendicular crossing at a through intersection.
- D. **Motor vehicle laws.** All laws, rules, and regulations regarding the use of motor vehicles within the State, and all ordinances regarding the use of motor vehicles within the Town's jurisdictional limits not inconsistent therewith, shall be observed, except that no golf cart may be operated at a speed in excess of twenty-five (25) mph.
- E. **Right-of-way.** The operator of a golf cart shall yield the right-of-way to overtaking motor vehicles.
- F. **Town property and sidewalks.** Golf carts shall not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, or trail except for official law enforcement or emergency purposes or by Town personnel while on Town business.
- G. Notwithstanding anything herein to the contrary, golf carts shall not be operated on property owned or leased by the Town except with the express written consent of the

Town Manager and upon the terms and conditions as may be set forth in such written permission.

- H. **Golf cart capacity.** The seating capacity of the golf cart (normally no more than five (5) passengers) shall not be exceeded nor shall the operator thereof or any passenger therein be permitted to stand while the golf cart is in operation.
- I. **Parking.** Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of golf carts in areas where parking is not allowed or in any place where doing so might impede the flow of traffic, pedestrian walkways, or a passageway is hereby prohibited.
- J. **Towing.** Golf carts may be used for the purpose of towing another non-functional cart, or trailer, but may not be used to tow any other vehicle of any kind, including a person on roller skates, skateboard, or bicycle.
- K. **Cemeteries.** Golf carts shall not be operated on any roadway or vehicle path within any cemeteries located within the Town's jurisdictional limits except for official use by law enforcement, emergency, or Town personnel.

6. **Disclaimer and liability.**

- A. **Disclaimer.** Golf carts are not designed for nor manufactured to be used on streets, roads, and highways such that the Town neither advocates nor endorses the use of golf carts as a safe means of travel. The Town in no way shall be liable for any accidents, injuries, death, or damages resulting from or involving the use of golf carts.
- B. **Assumption of risk.** Any person operating or riding as a passenger in a golf cart within the Town's jurisdictional limits does so at his/her own risk and peril and assumes all liability resulting therefrom. Before being issued a permit by the Town, an applicant shall sign the appropriate space within the application stating that he/she is assuming all risks, whether known or unknown, associated with, caused by, or resulting from the operation of a golf cart.

7. **Enforcement.**

The procedures upon discovering any violation of the provisions of this Article, and the penalties and remedies in enforcing the prohibitions against such violations, shall be as set forth in Sections 15.6, *Procedures Upon Discovery of Violations*, and 15.7, *Penalties and Remedies for Violations*, under Article 15 'Administration and Enforcement'.