

TITLE 6

Licensing, Regulation and Offenses

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CHAPTER 1

Privilege License Taxes

State Law Reference: Privilege license taxes, G.S. 160A-211. See also Schedule "B" of the Revenue Act of 1939, as amended (G.S. 105, Art. 2) which specifies whether a city or town may levy a license tax on businesses taxed under this schedule.

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Sec. 6-1-1 Definitions.

The following words, whenever they are used in this chapter, shall be deemed to have the following meanings:

(1) Business. The term "business" means any trade, occupation, profession, business, franchise, or calling of any kind, subject by the provisions of this chapter to a license tax.

(2) Engaged (or engaging) in business within this town. A person is "engaged in business within the town" when he engages in business activity of any type, either as owner or operator of the business, (i) by maintaining a business location within the town; (ii) by soliciting business within the town; or (iii) by performing services within the town.

(3) Person. The term "person" includes any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm, or other legal entity or agent thereof.

(4) Seasonal in nature. A business is "seasonal in nature" when it is taxed by this chapter on an annual basis, but is operated within the town for less than six (6) months of the year.

Sec. 6-1-2 License tax levied.

A license tax is hereby levied on the privilege of engaging in every business within this town which is listed in the schedule of taxes provided for in section 6-1-16 of this chapter. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.

Sec. 6-1-3 Town clerk; duties.

(a) The town town clerk is hereby designated as the proper town official to collect license taxes and to issue privilege licenses.

(b) The clerk shall make any investigation necessary to determine the tax liability of persons engaged in business within the town. If necessary, the clerk is authorized to enter upon the premises of any business during normal business hours for the purpose of determining whether this chapter has been complied with.

Sec. 6-1-4 License; due date.

(a) Unless otherwise provided in the schedule of license taxes, each privilege license issued shall cover the 12-month period beginning July 1 of each calendar year and ending June 30 of the subsequent calendar year.

(b) The privilege license tax is due on July 1 of each year. If, however, a person begins a business after July 1, the tax for that year must be paid before the business is begun.

Sec. 6-1-5 Application; false statement thereon.

(a) Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefor in writing to the clerk. The application, to be made on a form provided by the clerk, shall contain the following information:

(1) name and nature of the business for which the license is sought;

(2) the address where the business is conducted, and a mailing address for the business, if different;

(3) the name and address of the person filling out the application, and his relationship to the business;

(4) the gross receipts of the business for the most recently completed tax year, if applicable; and

(5) any other information which the clerk determines to be necessary.

(b) Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50, or imprisoned for not less than 30 days.

Sec. 6-1-6 Proration of tax; seasonal businesses.

(a) Except when a tax is based on gross receipts, if a business is begun after January 31 but before July 1, the tax shall be one-half (1/2) of the amount otherwise due.

(b) Except when a tax is based on gross receipts, a person engaged in a business which is seasonal in nature is liable for one-half (1/2) of the amount of tax otherwise due.

Sec. 6-1-7 Multiple businesses.

If a person is engaged in more than one (1) business made subject to a license tax under this chapter, the person shall pay the license tax prescribed in the tax schedule in section 6-1-16 of this chapter for each business, even if the businesses are conducted at the same business location.

Sec. 6-1-8 Separate places of business.

Unless otherwise provided by state law or by the tax schedule provided for in section 6-1-16 of this chapter, if a person engages in a business in two (2) or more separate places, a separate license tax shall be required for each place of business. For purposes of this section, if a person engages in the same business at two (2) or more locations within the town, which locations (i) are contiguous, (ii) communicate with and open directly into each other, and (iii) are operated as a unit, the person is liable for only one (1) license tax.

Sec. 6-1-9 Display of license.

Each person issued a license under this chapter shall post the license in a conspicuous place in his regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the clerk. If a machine or other item of personal property is licensed, the license shall be affixed to the machine or item.

Sec. 6-1-10 Change in place of business.

If a person who has obtained a license for a business taxed under this chapter desires to move from one (1) business location to another within the town, the license which has been issued shall be valid for the remainder of the license year at

this new location, and no additional tax need be paid. Within a reasonable time after the change in location, however, the person shall inform the clerk of the change in address.

Sec. 6-1-11 No abatement of tax.

If a licensee discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license tax be made.

Sec. 6-1-12 Effect of license.

The issuance of a license under this chapter does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee.

Sec. 6-1-13 Exemptions.

(a) Any person who engages in business within this town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this chapter.

(b) Any blind person engaging in business within this town shall be exempt from paying any privilege license tax levied by this chapter to the extent provided by G.S. 105-249.

(c) Any person serving in any branch of the Armed Forces of the United States or in the merchant marine, and desiring to engage in business within this town, shall be exempt from paying any privilege license tax levied by this chapter during the period of service, to the extent provided by G.S. 105-249.1.

Sec. 6-1-14 Unlawful to conduct business without a license.

(a) It shall be unlawful for any person to engage in a business within this town upon which a privilege license tax is imposed by this chapter, without having paid the license tax specified in section 6-1-16 herein. Violators shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50, or imprisoned for not more than 30 days. Each day that a person engages in business in violation of this section constitutes a separate offense.

(b) The town may seek an injunction against any person engaging in business in violation of this section.

(c) A conviction under this section does not relieve a person of his liability for the license tax or taxes imposed by this chapter.

Sec. 6-1-15 Collection of unpaid tax.

(a) If a person begins or continues to engage in a business taxed under this chapter without payment of the required

privilege license tax, the clerk and the tax collector may use either of the following methods to collect the unpaid tax: (i) the remedy of levy and sale or attachment and garnishment, in accordance with G.S. 160A-207; or (ii) the remedy of levy and sale of real and personal property of the taxpayer in accordance with G.S. 105-109(d).

(b) Any person who begins or continues to engage in a business taxed under this chapter without payment of the tax is liable for an additional tax of five percent (5%) of the original tax due for each 30 days or portion thereof that the tax is delinquent.

Sec. 6-1-16 Schedule of license taxes.

Taxes shall be levied and collected on the trades, professions, agencies, business operations, and other subjects set out in the schedule of license taxes, hereby made a part hereof, which is on file in the town office. Privilege licenses shall be issued without charge.

CHAPTER 2

Littering

- § 6-2-1 Littering prohibited.
- § 6-2-2 Same; from vehicles.
- § 6-2-3 Maintenance of public areas.
- § 6-2-4 Same; receptacles.

Sec. 6-2-1 Littering prohibited.

It shall be unlawful for any person to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any type of litter.

Sec. 6-2-2 Same; from vehicles.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.

Sec. 6-2-3 Maintenance of public areas.

Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within 10 feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon the street or other public way.

Sec. 6-2-4 Same; receptacles.

Suitable receptacles may be provided in parking or access areas within the meaning of section 6-2-3 of this chapter. The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein.

CHAPTER 3

ANIMALS

SECTION 6-3-1	Declaration of nuisances
SECTION 6-3-2	Definitions
SECTION 6-3-3	Enforcement
SECTION 6-3-4	Keeping of certain animals prohibited
SECTION 6-3-5	Bird Sanctuary Established.
SECTION 6-3-6	Care of Animals, Abandonment Prohibited
SECTION 6-3-7	Penalties

SECTION. 6-3-1 DECLARATION OF NUISANCES.

(a) The keeping or maintenance outside a proper enclosure of any animal or animals having dangerous or destructive propensities is hereby declared to be a public nuisance, and shall be abated as provided in this chapter.

(b) The keeping or maintenance of any animal or animals which by prolonged and habitual barking, howling, whining or the making of loud, prolonged, disturbing noises, or produces obnoxious odors or fumes or unsanitary conditions, which causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of the premises occupied by such residents, or with the reasonable use and enjoyment of the public streets, sidewalks or other public areas, is hereby declared to be a public nuisance, and shall be abated as provided in this chapter.

SECTION 6-3-2 DEFINITIONS.

(a) For the purposes of this chapter, the term "proper enclosure" shall mean a building or other structure from which a animal cannot escape, or an outside area enclosed by a fence at least six (6) feet in height secured to the ground in a manner so that an animal cannot escape.

(b) For purposes of this chapter, a "animal having dangerous or destructive propensities" shall mean any animal which constitutes a physical threat to humans or other animals, or an animal which habitually turns over garbage receptacles, habitually destroys shrubs, flowers, grass and other plant growth, habitually kills other animals, habitually attacks or attempts to attack persons, habitually barks, whines, calls or otherwise makes loud, prolonged and disturbing noises, or habitually performs other similar acts.

SECTION 6-3-3 ENFORCEMENT.

(a) Complaint and notice. Upon receipt of a written detailed and signed complaint being made to the Town by any

resident or residents that any person is maintaining a public nuisance as described in Section 6-3-1 above, the Town Clerk shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings written.

(b) Abatement. If the written findings of the investigation indicate that the complaint is justified, then the Clerk shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate the nuisance within 48 hours by destruction or removal of the animal or animals, or by construction of a proper enclosure or by otherwise abating said nuisance, as the case may necessitate. In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals, shall be posted for 48 hours at the Town Hall.

(c) Impoundment upon failure to abate; Destruction. If any person, being the owner or keeper of an animal or animals hereinabove described, shall fail or refuse to abate the nuisance upon order of the Town within the specified time, the Clerk shall cause the animal or animals in question to be apprehended and impounded in a suitable place, and the owner or keeper shall be notified in writing of the impoundment. If the owner or keeper shall so request, the animal or animals shall be released to him upon his execution of a written agreement to comply with the abatement order. If no such request and execution is made by the owner or keeper within five (5) days after written notice, the Clerk shall cause the animal or animals to be destroyed. In the event of an animal or animals, the owner or keeper of which is unknown, the Clerk shall cause the apprehension and impoundment to be carried out if no one claims the animal within 48 hours after the notice, order, and description were posted, and shall cause a notice of impoundment, along with a general description of the animal or animals, to be posted for five (5) days at the Town Hall; if no request for release of the animal or animals and execution of agreement to comply with the order of abatement respecting the animal or animals is made within the five (5) day period, the Clerk shall cause the animal or animals to be destroyed.

SECTION 6-3-4 KEEPING OF CERTAIN ANIMALS PROHIBITED.

(a) Livestock: It shall be unlawful for any person, firm or corporation to keep any livestock within the Town limits. Livestock are defined as horses, mules, cows, pigs, goats, sheep, chickens, ducks, turkeys, pigeons, and all other animals that typically are kept primarily for productive or useful purposes rather than as pets.

(b) Wild or vicious animals: It shall be unlawful for any person or firm, or corporation to have or keep within the Town any wild animal, including any animal that may be permitted by the Wildlife Resources Commission. A wild animal is defined as one that is typically found in a non-domesticated state and that because of its size, or vicious propensity, or because it is poisonous, or for any other substantial reason poses a potential danger to persons, other animals or property.

It shall unlawful for any person, firm, or corporation to keep within the Town any vicious or menacing animal. A vicious or menacing animal is one that because of its known propensities, size, disposition, or for any other reason poses a substantial danger to persons, other animals or property.

SECTION 6-3-5 BIRD SANCTUARY ESTABLISHED.

(a) The territory within the corporate limits of the town is hereby declared a bird sanctuary.

(b) It shall be unlawful for any person to kill, trap, or otherwise take any bird within the corporate limits of the town.

State Law Reference: Establishment of bird sanctuaries authorized, G.S. 160A-188.

SECTION 6-3-6 CARE OF ANIMALS, ABANDONMENT PROHIBITED.

(a) No owner of any animal may fail to provide such animal sufficient good and wholesome food, water, proper shelter, protection from the weather and veterinary care when needed to prevent pain and suffering.

(b) No owner of an animal may abandon such animal.

(c) In accordance with G.S. 14-360, no person shall willfully wound, injure, torture, cruelly beat, needlessly mutilate or kill any animal or cause or procure the same.

(d) Any person, who, as the operator of a motor vehicle, bicycle, or other vehicle, strikes and injures a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report the incident to the animals owner. If the owner cannot be ascertained or located with reasonable effort, the operator shall notify the Town Clerk or Beaufort County Sheriff's Deputy located within the Town of Bath.

SECTION 6-3-7 PENALTIES.

(a) If any person, being the owner or keeper of an animal or animals respecting which an order of abatement has been issued, shall fail or refuse to abate the nuisance as ordered, he shall be guilty of a misdemeanor, punishable

upon conviction by a fine not exceeding \$100 or by imprisonment of not more than thirty (30) days, or both, in the discretion of the Court.

(b) Any person found guilty of violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and shall be fined not more than \$100 or imprisonment for thirty (30) days, or both, in the discretion of the Court.

(c) In addition, enforcement of this chapter may be by injunction, restraining order, or order of abatement in a court of competent jurisdiction, as provided by G.S. 160A-175(d) and (e).

CHAPTER 4

Abandoned Vehicles

State Law Reference: Authority to regulate abandoned and junked vehicles, G.S. 160A-303.

- § 6-4-1 Abandoned motor vehicle defined.
- § 6-4-2 Junked motor vehicle defined.
- § 6-4-3 Duty of owner to remove.
- § 6-4-4 Removal.
- § 6-4-5 Costs of removal; notice to owner.
- § 6-4-6 Sale of abandoned motor vehicles.
- § 6-4-7 Disposition of proceeds of sale of abandoned motor vehicle.
- § 6-4-8 Disposition of junked motor vehicles.
- § 6-4-9 Disposition of unidentified vehicles.
- § 6-4-10 Disposition of proceeds of sale of junked motor vehicle.
- § 6-4-11 Immunity.

Sec. 6-4-1 Abandoned motor vehicle defined.

A motor vehicle shall be deemed to have been abandoned for the purposes of this chapter in the following circumstances:

(1) It is left unattended upon a street or highway for longer than 12 hours in violation of a law or ordinance prohibiting parking;

(2) It is left unaccompanied on property owned or operated by the town for a period longer than 24 hours;

(3) It is left unaccompanied on any public street or highway for a period longer than seven (7) days; or

(4) It is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours.

State Law Reference: Authority to regulate abandoned and junked vehicles, G.S. 160A-303.

Sec. 6-4-2 Junked motor vehicle defined.

Whenever a motor vehicle is found to be an abandoned motor vehicle as defined in section 6-4-1 and, in addition, is found to be inoperable, or is partially dismantled or wrecked, or is more than five (5) years old and worth less than \$100, or does not display a current license plate, it shall be deemed to be a junked motor vehicle.

Sec. 6-4-3 Duty of owner to remove.

If a motor vehicle is abandoned or junked on a public street or highway, it shall be the duty and responsibility of the owner

of the motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain abandoned on a public street or highway after notice has been duly given to the person to have the vehicle removed.

Sec. 6-4-4 Removal.

Whenever any motor vehicle is abandoned or junked on a public street or highway, or on property owned or operated by the town, or on private property, any vehicle may be removed by or under the direction of any town employee or state or local law enforcement officer to a storage garage or area; provided, no vehicle shall be removed from private property without the written request or permission of the owner, lessee, or occupant thereof unless the vehicle has been declared by the board to be a health or safety hazard.

Sec. 6-4-5 Costs of removal; notice to owner.

(a) When an abandoned or junked motor vehicle is removed from private property at the request of the owner, lessee or occupant thereof, the person at whose request the vehicle is removed shall be required to pay or otherwise indemnify the town for any expenses incurred by reason of the removal and storage of the vehicle.

(b) The owner of any vehicle removed hereunder from any public street or highway, or any property owned or operated by the town, or any private property, shall pay to the town all reasonable costs incident to the removal and storage of the vehicle and to locating the owner thereof.

(c) Written notice of each removal of an abandoned or junked vehicle and of the possible sale or disposition thereof shall be given as promptly as possible to the owner at his last known address according to the latest registration certificate or certificate of title on file with the North Carolina Department of Motor Vehicles.

(d) Notice need not be given to the registered owner when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.

Sec. 6-4-6 Sale of abandoned motor vehicles.

If an abandoned motor vehicle is worth \$100 or more and should the owner thereof refuse to pay the aforementioned costs, or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search, it shall, after being held by the town for 30 days and after 30 days' written notice to the registered owner at his last known address if his identity is known, and to the holders of all liens of record against the vehicle, and to the North Carolina Department of Motor Vehicles, be sold by the town clerk or his designee

at public auction; provided, however, that any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date.

Sec. 6-4-7 Disposition of proceeds of sale of abandoned motor vehicle.

The proceeds of the sale of an abandoned motor vehicle shall be paid to the clerk, who shall pay from the proceeds the cost of removal, storage, investigation, sale, and liens, in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the clerk for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the sale, the funds shall be deposited into the town general fund and the owner's rights therein shall be forever extinguished.

Sec. 6-4-8 Disposition of junked motor vehicles.

(a) With the consent of the owner, the clerk or his designee may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time. If an unclaimed abandoned motor vehicle appears to be worth less than \$100, the clerk or his designee may dispose of the vehicle as a junked vehicle.

(b) Any unclaimed junked motor vehicle as defined by this chapter shall be held for a period of at least 15 days. The owner of any vehicle may claim his vehicle during the 15 day retention period by exhibiting proof of ownership to the clerk and after paying all reasonable costs incident to the removal and storage of the vehicle, plus administrative expenses. If, after the vehicle is held 15 days, it remains unclaimed, the vehicle may be destroyed or sold at private sale as junk. Within 15 days after final disposition of a junked motor vehicle, written notice thereof shall be given to the North Carolina Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.

Sec. 6-4-9 Disposition of unidentified vehicles.

Vehicles not displaying a license plate, and whose identification numbers have been removed or defaced so as to be illegible may be destroyed or sold at a private sale, without regard to value, after being held for 48 hours.

Sec. 6-4-10 Disposition of proceeds of sale of junked motor vehicle.

The proceeds of the sale of a junked motor vehicle, after all costs of removal, storage, investigation and sale, and

satisfaction of any liens of record on the vehicle have been deducted therefrom, shall be held by the clerk for 30 days and paid to the registered owner upon demand. If the owner does not appear to claim the remainder of the proceeds within 30 days after disposal of the vehicle, the funds shall be deposited into the town general fund and the owner's rights therein shall be forever extinguished.

Sec. 6-4-11 Immunity.

Neither the town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the previous possession of any abandoned, lost or stolen vehicle for disposing of the vehicle as contemplated by this chapter.

CHAPTER 5

WEEDS AND VEGETATION

State Law Reference: Abatement of public health nuisances,
G.S. 160a-193.

- Section 6-5-1 Control of weeds, grass, other vegetation near streets.
Section 6-5-2 Cutting weeds, grass, other vegetation.
Section 6-5-3 Notification of violation; removal by town.
Section 6-5-4 Assessment of cost of removal.
Section 6-5-5 Refusal of failure to comply with chapter; obstructing town officials.

Sec. 6-5-1 Control of weeds, grass, other vegetation near streets.

No person having control of any occupied lot or any part thereof in the town shall permit or maintain on any such lot, or on or along the sidewalk or street adjacent to the same between the property line and the curb or middle of the alley or for 10 feet outside the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a height greater than 12 inches, or any accumulation of dead weeds, grass or brush. This shall not include vegetation located within an area of environmental concern. No person shall cause, suffer or allow poison ivy, ragweed or other poisonous or detrimental plants to grow on any such lot or land so that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, cover, overhang or border any public place or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.
(Amended 7-12-93)

Sec. 6-5-2 Cutting weeds, grass, other vegetation.

Every person owning or occupying any lot or parcel of land shall cut or cause to be cut and removed all weeds, grass, or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of Section 6-5-1. (Amended 7-12-93)

Sec. 6-5-3 Notification of violation; removal by town.

(a) If the provisions of this chapter are not complied with, the clerk shall serve written notice upon the owner, lessee or occupant or any person having the care or control of any such lot to comply with the provisions of this chapter.

(b) If the person upon whom the notice is served fails, neglects or refuses to cut and remove or to cause to be cut and remove such weeds, grass or other vegetation within 10 days after receiving such notice or if the owner or his representative cannot be found in the town, the clerk shall cause such weeds, grass and other vegetation to be cut and removed.

Sec. 6-5-4 Assessment of cost of removal.

The actual cost of cutting and removing such weeds, grass or other vegetation by the town, plus five percent (5%) for inspection and additional costs in connection therewith, shall be certified by the clerk to be a lien upon the property upon which such weeds, grass and other vegetation were located. Such cost shall be added to the taxes next to be assessed and levied upon such lot, shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

Sec. 6-5-5 Refusal or failure to comply with chapter; obstructing town officials.

No person shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter, shall fail, neglect or refuse to comply with the provisions of any notice herein provided, or shall resist or obstruct the clerk or his agents in the cutting and removal of weeds, grass and other vegetation.

CHAPTER 6

General Offenses and Nuisances

- § 6-6-1 Discharge of firearms and other weapons.
- § 6-6-2 Disturbing public meetings.
- § 6-6-3 Injuring property of town.
- § 6-6-4 Unnecessary noise.
- § 6-6-5 Drinking in public places.

Sec. 6-6-1 Discharge of firearms and other weapons.

(a) It shall be unlawful for any person to fire or discharge any rifle, gun or pistol within the town, on or off his premises, in sport or amusement.

(b) Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot, or operate, within the town any such rifle, gun or pistol shall be guilty of a misdemeanor.

State Law Reference: Authority to regulate and restrict firearms, and pellet guns, G.S. 160A-189, 190.

Sec. 6-6-2 Disturbing public meetings.

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting.

Sec. 6-6-3 Injuring property of town.

It shall be unlawful to injure, damage, deface, trespass upon, break or injure any property belonging to the town.

Sec. 6-6-4 Unnecessary noise.

It shall be unlawful for any person to create, or assist in creating, permit, continue, or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn or signal device or any device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal 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 or other emergency vehicle;

(3) The use or operation of any piano, manual or automatic, phonograph, radio, loudspeaker, or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; provided, however, that upon application to the mayor, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;

(4) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;

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

(6) 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;

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

(8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(9) The erection (including excavation), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three (3) days or less while the emergency continues;

(10) 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 150 feet of any hospital, which unreasonably interferes with the working of such institution; provided conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street;

(11) The creation of any excessive noise on Sundays on any street adjacent to any church; provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;

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

(13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;

(14) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighbor-

hood; or anyone shouting within the corporate limits so as to disturb the peace and quiet of the neighborhood;

(15) 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, sale or display of merchandise;

(16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the board of commissioners; and

(17) The conducting, operating or maintaining of any garage or filling station in any residential district, so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

State Law Reference: Authority to regulate noises, G.S. 160A-184.

Sec. 6-6-5 Drinking in public places.

(a) No person shall consume malt beverages or unfortified wine, as defined by G.S. 18A-2, on or within the rights-of-way of the public streets, roads, alleys and sidewalks, or on any other publicly owned property within the town.

(b) Violation of this section shall be a misdemeanor punishable on conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days.

State Law Reference: Local authority to regulate consumption of beer and wine, G.S. 18A-35(a).

Adopted by Town Council
04/14/03

Bell

BK 02 PG 125

NORTH CAROLINA
BEAUFORT COUNTY

On motion Stan Deatherage, seconded by Earl Tetterton, the Board voted unanimously adopting the following animal control ordinance:

BEAUFORT COUNTY ANIMAL CONTROL ORDINANCE

SECTION 1. DEFINITIONS.

ADOPTION: The act of acquiring an animal from the animal shelter by someone other than the owner of the animal.

ANIMAL: Every living creature, domestic or non-domestic, but does not include humans.

ANIMAL CONTROL: The Beaufort County Animal Control Department. The department responsible for enforcing state and county animal control laws.

ANIMAL CONTROL OFFICER: Any person hired by the County to work in the Beaufort County Animal Control Department, to enforce state and county animal control laws.

ANIMAL SHELTER: Any premises designated by the County for the purpose of impounding and caring for all dogs and cats found running at large or otherwise subject to impounding in accordance with the provisions of this ordinance.

AT LARGE: Any dog or cat shall be deemed to be at large when he is off the property of its owner and not under restraint of a competent person.

CAT: Any domestic feline species.

COUNTY: Beaufort County, North Carolina.

DANGEROUS DOG:

- A. Any unprovoked dog which does bodily harm to a person on public or private property .
- B. Any unprovoked and unrestrained dog which chases or approaches a person on a street, sidewalk, or public or property in a terrorizing fashion or attitude of attack.
- C. Attacks other animals.
- D. Any dog that is defined as a dangerous dog by N.C. State law.

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DOG: Any domestic canine species.

EXPOSED TO RABIES: An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to any animal known or suspected to have been infected with rabies.

FULLY ENCLOSED PEN: A pen with four secure sides, minimum of six (6) feet high, with a secure top attached to the sides and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than two (2) feet or the sides must be turned under within the pen area for no less than eighteen (18) inches. The length and width of the pen must be large enough to allow for daily vigorous exercise.

INTACT MALE: Any male dog or cat which has not been operated upon to prevent reproduction.

KENNEL: Any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or buying of animals.

NEUTERED MALE: Any male dog or cat that has been operated on to prevent reproduction.

NUISANCE: Any dog or cat:

- A. Which habitually or repeatedly chases, snaps at, or barks at children, pedestrians, cyclists, or vehicles.
- B. Spreads garden or trash container contents.
- C. Damages gardens or shrubbery or other real or personal property of another property owner.
- D. In the case of a female dog, one that is not confined in a secure enclosure during estrus (heat). (G.S. 67-2.)
- E. Is diseased or dangerous to public health.
- F. That shall cause unsanitary conditions in enclosures or surroundings where the dog or cat is kept or harbored.

OWNER: Any person, firm, corporation, or organization having custody, control, possession, or a legal interest in an animal, including an animal's keeper or caretaker.

RECLAIM: The act of reacquiring an animal from the shelter by the owner of the animal

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An owner will have an exclusive right to reclaim in the first 120 hours of impoundment. After this 120 hours time has elapsed, the owner may still reclaim if the animal has not been adopted or euthanized.

RESTRAINT: A dog or cat is under restraint within the meaning of this ordinance if it is (1) controlled by means of a chain, leash, or other like devise; (2) on or within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within the dwelling house of the owner or keeper.

SPAYED FEMALE: Any female dog or cat that has been operated on to prevent conception.

STRAY: Any dog or cat that is uncared for, homeless or unwanted, that is not wearing a collar with identification or current rabies tag and/or the owner is not known.

SUSPECTED OF RABIES: An animal which is unvaccinated against rabies or has bitten a person.

UNPROVOKED ATTACK: Occurs when a dog attacks, bites, or inflicts injury, such as a laceration or broken bone, upon a person without being teased, molested, provoked, beaten, tortured, or otherwise harmed.

UNSPAYED FEMALE: Any female dog or cat which has not been operated upon to prevent conception.

VETERINARIAN HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

SECTION 2. GENERAL DUTIES OF ANIMAL CONTROL DEPARTMENT.

The Animal Control Department shall be charged with the responsibility of:

- A. Enforcing, in this county, all state and county laws, ordinances and resolutions relating to the care, custody and control of animals.
- B. Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to vaccination of animals against rabies and the confinement or controlling of dangerous dogs.
- C. Investigating cruelty or abuse with regard to animals.
- D. The operation of the Beaufort County Animal Shelter.

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- E. Accurate and detailed records including:
- i. Impoundment and disposition of all dogs and cats coming into the animal shelter.
 - ii. Bite cases, violations and complaints, and investigation of same.
 - iii. All monies belonging to the county which were derived from impoundment fees, penalties and sale of animals.
 - iv. All other records deemed necessary by the Beaufort County Board of Commissioners and or the County Manager.

SECTION 3. CRUELTY TO ANIMALS.

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

SECTION 4. LURING, ENTICING, SEIZING, MOLESTING OR TEASING AN ANIMAL.

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

SECTION 5. RECLAIM BY OWNER OR KEEPER.

- A. The owner of a dog or cat impounded under this ordinance will have exclusive rights to reclaim the dog or cat and regain possession thereof the first one hundred twenty (120) hours after impoundment as required by this ordinance.
- B. The owner at the time of reclaim must provide proof of rabies vaccination and pay any applicable fees.
- C. The provisions of his section shall have no application with respect to dogs and cats surrendered by the owner or keeper to Beaufort County Animal Control for immediate adoption, sale or destruction as provided for in Section 8.

SECTION 6. DESTRUCTION OR ADOPTION OF UNRECLAIMED DOGS AND

- A. If an impounded dog or cat is not reclaimed by the owner within the period prescribed in Section 5, it may be sold, destroyed in a humane manner or shall become the property of the animal shelter and offered for adoption to a responsible adult who is willing to comply with this ordinance and with policies promulgated by Beaufort County.
- B. No dog or cat which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this ordinance, except by special authorization of the County Health Director.
- C. Any dog or cat that exhibits fierce, dangerous or aggressive behavior will not be offered for adoption.
- D. All intact males and unspayed females adopted from Beaufort County Animal Control shall be either spayed or neutered within thirty (30) days after their adoption. In addition to the established adoption fee, Animal Control shall require from the adopter a spay/neuter deposit of thirty dollars (\$30.00) for cats and fifty dollars (\$50.00) for dogs to insure that spaying or neutering is obtained. When written proof is returned to Animal Control that the required spaying or neutering has been performed by a licensed veterinarian the spay/neuter deposit will be sent to the veterinarian who performed the spaying or neutering. A person who fails within the specified time to arrange for the neutering of an intact male or the spaying of an unspayed female adopted from Animal Control forfeits the spay/neuter deposit and shall surrender the cat or dog to Animal Control be in violation of County ordinance. For dogs and cats under six (6) months of age, the time limit will vary according to their age.

SECTION 7. PROCEDURE WITH RESPECT TO RECLAIM OR ADOPTION OF UNVACCINATED DOG OR CAT.

- A. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or reclaims a dog or cat at Animal Control will be given a "proof of rabies vaccination notice" at the time the dog or cat is reclaimed or adopted. This notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's

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choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sunday and holidays excluded. For dogs and cats under four (4) months, the time limit will vary according to their age.

- B. The "proof of rabies vaccination notice" will be completed by the veterinarian and returned to Animal Control, by the owner within seventy-two (72) hours.
- C. Payment for rabies vaccination provided for in this section will be the responsibility of the person reclaiming or adopting the dog or cat.

SECTION 8. IMMEDIATE PLACEMENT FOR ADOPTION OR DESTRUCTION OF OWNER

- A. Any dog or cat surrendered by its owner to Animal Control may be immediately placed for adoption or humanely destroyed by Animal Control when:
 - i. The owner directs in writing that the dog or cat be placed for adoption or humanely destroyed; and
 - ii. The owner affirmatively represents in writing that he or she is in fact the legal owner of said dog or cat.
- B. Upon receiving said assurances, Animal Control may rely on the same, and place said dog or cat for adoption, or destroy, as it sees fit. The waiting periods provided in Section 5 shall not apply to immediate adoption or destruction as provided for in this section.

SECTION 9. DESTRUCTION OF WOUNDED, DISEASED, OR UNWEANED ANIMALS.

Notwithstanding any other provision of this ordinance, any dog or cat seized and impounded which is badly wounded, diseased (not a rabies suspect), or unweaned and has no identification shall be destroyed immediately in a humane manner. If the dog or cat has identification, Animal Control shall attempt to notify the owner or keeper before disposing of such dog or cat. If the owner or keeper cannot be reached readily, and the dog or cat is suffering, Animal Control may destroy the dog or cat at its discretion in a humane manner.

SECTION 10. KEEPING STRAY ANIMALS: REQUIREMENTS FAILURE TO SURRENDER.

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- A. Stray animals can be a source of rabies or other diseases since their history is not known. For the protection of the citizens it shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on his property any dog or cat which does not belong to him, unless he has, within seventy-two (72) hours from the time such dog or cat came into his possession done one of the following:
- i. Notified the animal's owner, Animal Control, or person duly authorized by Animal Control. Upon receiving such notice, Animal Control shall take such dog or cat and place it in the animal shelter and shall deal with it as provided by Animal Control policy.
 - ii. Become the owner or keeper of the dog or cat by taking it to a veterinarian for rabies inoculation and check for disease and notify Animal Control.

SECTION 11. COLLAR AND IDENTIFICATION.

Every owner is required to see that his dog is wearing a collar with the owner's name and address stamped on or otherwise firmly attached to it. Such collar shall be worn at all times, unless the dog accompanied by the owner or his agent is engaged in hunting or other sport or activity where a collar might endanger the dog's safety.

SECTION 12. DOGS OR CATS CREATING A NUISANCE

It shall be unlawful for any owner to permit his or her dog or cat to create a public nuisance provided the Animal Control Officer determined after investigation the reports are supported by the evidence and has notified the owner in writing of his findings. The owner will have forty-eight (48) hours from the time of notification to abate the nuisance.

SECTION 13. DANGEROUS DOGS.

A. DECLARING A DOG DANGEROUS

The Beaufort County Animal Control Officers may declare a dog to be a Dangerous Dog when:

- i. An unprovoked dog does bodily harm to a person on public or private property.
- ii. A dog is owned primarily or in part for the purpose of dogfighting, or a dog trained for dogfighting. (G.S. 67-4.1. (a)(1)b.)

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- iii. An unprovoked and unrestrained dog chases or approaches a person on a street, sidewalk, or public or private property in a terrorizing fashion or attitude of attack.
- iv. Attacks other animals.

B. Upon declaration that a dog is a dangerous dog, the Animal Control Officer must notify the owner in writing of the owner's right to appeal. Owner has ten (10) days to appeal in writing to the Beaufort County Health Director to confirm or deny the decision made by the Beaufort County Animal Control Officer.

C. CONFINEMENT OF A DOG DECLARED DANGEROUS

The owner will be notified in writing to confine the dog. The owner is to restrain the dangerous dog in one or more of the following manners:

- i. Confined indoors where access is limited to the owner only.
- ii. Confined in a fully enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping.
- iii. On a leash and muzzled and in the control of an adult at all times when not otherwise confined.

D. The owner shall have 30 days from the date of notification to provide an adequate and approved pen or structure. During this time the Dangerous Dog shall be under constant restraint on the owner's property or may be seized by Animal Control and held at owners expense until an adequate and approved pen or structure is completed.

E. ENFORCEMENT

The owner of a Dangerous Dog must at his/her cost:

- i. Meet all requirements for keeping any dog including licensing and rabies inoculation.
- ii. Notify Animal Control of any change in status of the Dangerous Dog within twenty-four (24) hours, such as change of residence, or if the or if the dog has died.

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- iii. The owner shall display a sign on his/her property warning that there is a Dangerous Dog on the property. This sign shall be clearly visible.
- iv. Allow Animal Control Officers to inspect the owners premises where the Dangerous Dog is confined.
- v. If the owner of a Dangerous Dog is unwilling or unable to comply with the regulations set forth above for keeping such an animal he/she must have the animal immediately, humanely euthanized by Animal Control or by a licensed Veterinarian.
- vi. No Dangerous Dog, so declared shall be offered for sale or adoption or be given away.

F. GENERAL EXCLUSIONS.

These rules and regulations, under Section 13 shall not apply to:

- i. A dog used by a public law enforcement agency for law enforcement purposes. (G.S. 67-4.1. (b) (1))
- ii. A dog that attacked, injured, or threatened a person who at the time:
 - a. Was committing a willful trespass or other tort upon the premises occupied by the dog's owner.
 - b. Was teasing, tormenting, abusing or assaulting the dog or has in the past been observed doing so.
 - c. Was committing or attempting to commit a crime upon the dog's owner or upon the dog's owners property. (all of B. is G.S. 67-4.1. (b)(4)).

G. VIOLATION/PENALTIES

If at any time the Dangerous Dog is not confined as set forth in section 13(c) the owner shall be fined in accordance section 16 pay a five hundred

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dollar (\$500.00) fine and after a ten (10) day waiting period exclusive of Saturdays, Sundays, and holidays, said dog shall be destroyed by Animal Control.

SECTION 14. RABIES CONTROL.

A. COMPLIANCE WITH STATE LAW.
ARTICLE AS SUPPLEMENT TO STATE LAW

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

SECTION 15. INTERFERENCE WITH ENFORCEMENT OF BEAUFORT COUNTY ORDINANCE

- A. It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Officer or veterinarians in the performance of any duty authorized by this ordinance, or to seek to release any animal in the custody of such officers, except as otherwise specifically provided.
- B. It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from Animal Control and the County Health Director.

SECTION 16. IMPOSITION OF PENALTIES FOR VIOLATIONS OF ORDINANCE.

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable by a fine not less than fifty dollars (\$50.00) nor more than five-hundred dollars (\$500.00) and/or sixty (60) thirty (30) days in jail. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this ordinance does not relieve a person of his liability for taxes, civil penalties or fees imposed under this ordinance.

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SECTION 17. SEVERABILITY

If any part of this ordinance shall be held void, such part shall be deemed severable, and the invalidating thereof shall not affect the remaining part of this ordinance.

NORTH CAROLINA
BEAUFORT COUNTY

I, Sharon C. Singleton, Clerk to the Board of County Commissioners, do hereby certify that the above is a true and verified copy of a resolution adopted by said Board in regular session on Monday, September 11, 1995.



Sharon C. Singleton

Sharon C. Singleton
Clerk to the Board

BATH TREE ORDINANCE

Town Code Book – Title 6, Chapter 8

SECTION 6-8-I GENERAL REGULATIONS

Authority. The provisions of this ordinance are adopted under authority granted by the General Assembly of North Carolina General Statute 160A-174.

Jurisdiction. This ordinance is applicable within the Town of Bath, North Carolina.

Title. This ordinance shall be known as The Public Tree Ordinance of Bath, N. Carolina

SECTION 6-8-2 DEFINITIONS

A) **Tree Committee:** That legal board, that also serves as the planning board, established December 13, 2004 whose purpose is the short and long range management of street right-of-way, park, and other public trees in Bath, North Carolina.

B) **Shrub:** A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk.

C) **Maintenance:** All operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, cutting above or below the ground.

D) **Public Area:** All public land, easements and rights-of-way owned or held by the Town, including easements and rights-of-way for streets, alleys, sidewalks, utility lines and facilities, median strips and other Town facilities. This included public parks having individual names, all areas owned by the Town or to which the public has free access as a park, playground or other property controlled and maintained by the Town.

SECTION 6-8-3 PURPOSE

A) **Public Areas:** The first purpose of this ordinance is to regulate the planting, maintenance and removal of trees in public areas. In order to protect and conserve trees in public areas, this ordinance provides for the pruning, treatment and removal of trees, root systems as the Tree Committee deems necessary, acting under the authority of the Town Council. This ordinance is also intended to provide for the trimming and removal of trees, vegetation, and shrubs in public areas when they obscure street lights, interfere with surface and subsurface utility lines, or constitute a hazard to pedestrian or vehicular traffic or otherwise endanger the public health, safety or welfare as the Tree Board determines, acting under the authority of the Town Council.

B) **Intent:** The second purpose of this ordinance is to express the Town's intent to use trees to create a more natural and congenial living environment.

C) **Tree Committee:** The tree committee shall be responsible for promoting the best use, selection and care of trees in public areas and for the administration of the long range Public Tree Master Plan. Public comments will be invited for the long range PTMP. In addition, a thirty-day notice and opportunity to comment will be given to property owners in advance of any right-of-way planting.

SECTION 6-8-4 AUTHORIZATION REQUIRED

A) Written Approval Required: No person shall remove, or otherwise disturb any tree in any public area without first receiving written approval from the Tree Comm. Routine maintenance of public areas by the Town or its subcontractors shall be coordinated with the Tree Committee.

B) Town's Responsibility: In cases of public vehicular safety, the Town Administrator may immediately remove limbs obstructing traffic signs or impairing vehicular visibility.

C) Waiver of Permits: In case of emergencies, including windstorms, ice storms, and other disasters, permits may be waived by the Town Administrator or the Tree Board during the immediate emergency period so as not to hamper emergency work.

D) Public Areas: The Tree Comm. may initiate tree or shrub planting or removal in public areas. Town residents may initiate tree planting or removal in public areas with the written approval of the Tree Comm. Nearby property owners will be notified of planned tree planting or removal. They will be given thirty-day notice and opportunity to comment.

E) Town Property: All plantings now and hereafter installed in public areas shall become the property of the Town of Bath and shall be under the control of the Town and subject to all regulations of the Town thereafter.

SECTION 6-8-5 ENFORCEMENT

A) Powers and Duties: The Tree Comm. acting under the authority of the Town Council shall have the general powers and duties to:

- a) Direct, manage, supervise, and control the Town Landscape Program to include all plantings, removal, and protection of all trees in all public areas.
- b) Guard all vegetation in any public area so as to prevent the spread of plant disease or pests and to eliminate conditions deemed by the Tree Board to be dangerous to the safety of persons or property.
- c) Administer the provisions of this ordinance.
- d) Accept requests for planting, removal of plantings in any public area, and accept or deny the request as required by the provisions of this ordinance.

SECTION 6-8-6 ABUSE OR MUTILATION OF PUBLIC TREE OR SHRUBS

Harm to trees: Unless specifically authorized by the Tree Comm., no person shall intentionally damage, cut, carve, transplant or remove any tree in a public area; attach nails, advertising posters, or other contrivance to any tree in a public area; apply any gas, liquid or solid substance which is harmful to such trees; or set fire to burn any tree in a public area.

SECTION 6-8-7 PROTECTION OF TREES

A) Protection: All trees in any public area near any excavation, construction, or street work shall be protected in a manner specified by the Tree Board. Private projects shall bear the cost and responsibility of the protection requirements.

B) Pruning: All trees in public areas shall, to the degree practicable, be pruned or trimmed only in accordance with standards established by the American National Standards Institute, Publication A-300, TREE PRUNING STANDARDS, 1995 Edition or later.

SECTION 6-8-8 SEPARABILITY CLAUSE

Separability: Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 6-8-9 VIOLATION

The violation of any provision of this ordinance shall constitute a misdemeanor as provided by G.S. 14-4.

Adopted 12-13-04 by the Bath Town Council