

Code of Ordinances, Town of Woodland, North Carolina

TITLE VIII: MUNICIPAL UTILITIES

Chapter

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CHAPTER 80: ABANDONED VEHICLES

Section

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§ 80.01 ABANDONED MOTOR VEHICLE.

AN ORDINANCE PROVIDING FOR THE REMOVAL AND DISPOSITION OF ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

WHEREAS, the Board of Commissioners of the Town of Woodland is authorized by G.S. 160A-193, GS. 160A-303 and GS. 160A -303.2 to regulate, restrain or prohibit abandoned, nuisance and junked motor vehicles on public and private property within the Town's ordinance-making jurisdiction; and

WHEREAS, the Board of Commissioners of the Town of Woodland finds it necessary and desirable to promote or enhance:

- (1) The quality of urban attractiveness and aesthetic appearance of the Town,
- (2) The protection of property values throughout the Town
- (3) The preservation of the liveability and attractiveness of neighborhoods,
- (4) The promotion of tourism, conventions, and other opportunities for economic development for the Town,
- (5) The attractiveness of the Town's thoroughfares and commercial roads which present the primary, Public visibility to visitors and to passers-by of the Town and
- (6) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles;

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ABANDONED MOTOR VEHICLES § 80.01

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Woodland North Carolina:

§ 80.02 ADMINISTRATION

The police department and Town Maintenance Supervisor of the Town shall be responsible for the administration and enforcement of this chapter. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the Town, and on property owned by the Town. The Town Maintenance Supervisor shall be responsible for administering the removal and disposition of "abandoned", "nuisance" or "junked motor vehicles" located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Town police department and fire department in enforcing other laws or in otherwise carrying out their duties.

§ 30.03 DEFINITIONS

For purpose of this chapter, certain words and terms are defined as herein indicated:

- (a) Abandoned vehicle. As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that:
 - (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
 - (2) Is left on a public street or highway for longer than seven (1) days; or
 - (3) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
 - (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.
- (b) Authorizing official. The supervisory employee of the police department or the Town Supervisor, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.
- (c) Motor vehicle or vehicle. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.
- (d) Junked motor vehicle. As authorized and defined in 0.5. 160A-303.2 the term, junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:
 - (1) Is partially dismantled or wrecked; or

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- (2) Cannot be self propelled or moved in the manner in which it originally was intended to move; or
 - (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100),
- (e) Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests, or
 - (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
 - (3) A point of collection of pools or ponds of water; or
 - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
- (5) One which has areas of confinement which cannot be operated from the inside. such as trunks, hoods, etc.; or
 - (6) So situated or located that there is a danger of it falling or turning over; or
 - (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
 - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
 - (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Woodland Town Board.

§ 80.04 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED

- (a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.
- (b) Upon investigation, the Police Chief of Woodland may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

§ 80.05 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

- (a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the Town Maintenance Supervisor may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the

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vehicle removed.

§ 80.06 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- (c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements or the concealment requirements of this section.
- (d) Subject to the provisions of subsection (e), upon investigation, the Town Maintenance Supervisor may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner, Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness and emotional stability of area residents.
- (e) Permitted concealment or enclosure of junked motor vehicle:
 - (1) One junked motor vehicle, in its entirety, can be located in the rear yard if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The Town Maintenance Supervisor has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.

- (2) More than one junked motor vehicle.

Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a

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garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

§ 80.07 REMOVAL OF ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES: PRE-TOWING NOTICE REQUIREMENTS.

Except as set forth in § 80.08 below, an abandoned, nuisance or junked vehicle that is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address (es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the city on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Woodland Town Board in writing, heard at the next regularly scheduled meeting of the Woodland Town Board, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

§ 80.08 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice includes:

- (a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Woodland Town Board hereby determines that immediate removal of such vehicles may be warranted when they are:
 - (1) Obstructing traffic,
 - (2) Parked in violation of an ordinance prohibiting or restricting parking,
 - (3) Parked in a no-stopping or standing zone,
 - (4) Parked in loading zones,
- (S) Parked in bus zones, or
- (6) Parked in violation of temporary parking restrictions imposed under code sections.

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- (b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

§ 80.09 REMOVAL OF VEHICLES: POST-TOWING NOTICE REQUIREMENTS.

Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

§ 80.10 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests.

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The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11 as amended.

§ 80.11 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this ordinance;

§ 80.12 SALE AND DISPOSITION OF UNCLAIMED VEHICLE

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle, Disposition of such a vehicle shall be carried out in coordination with the city and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

§ 80.13 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY

As a general policy, the Town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the Town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the Town Maintenance Supervisor. The Town may require any person requesting the removal of a nuisance or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

§ 80.14 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this chapter.

§ 80.15 EXCEPTIONS.

Nothing in this chapter shall apply to any vehicle:

- (1) which is located in a bona fide "automobile graveyard" or "junkyard" as defined in N.C. G.S. 13&143, in accordance with the "Junkyard Control Act", N.C. G.S. 13&141, et seq.;
- (2) which is in an enclosed building;
- (3) which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or

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- (3) which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

§ 80.16 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the city any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

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CHAPTER 81 ANIMALS

Section

(Revised 05/07/2015)

81.00 Confinement and Control of Animals and Dogs

81.01 Definitions

81.02 Declaration of Nuisances and Annoyance.

81.03 Containment — Running at Large - Requirements

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81.06 Bird Sanctuary

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81.08 Enforcement

81.09 Compliance with State law, Article as Supplement to State Law

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§ 81.00 CONFINEMENT AND CONTROL OF ANIMALS AND DOGS:

- A. Any animal that leaves the confinement of their yard must be reported to Woodland Police Department within 24 hours in case the animal has been picked up for running at large. It is unlawful for any owner to maintain or harbor unconfined or unrestrained any dangerous animal which (1) bites, inflicts injury, assaults or otherwise attacks a human being without provocation on public or private property or (2) injures or kills a pet or domesticated animal and the Animal Control Officer determines after investigation that the report is supported by the evidence. Said animal shall be deemed dangerous.
- B. The owner will be notified in writing to confine the animal in a humane, secure enclosure. The owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises. Said sign shall not exceed one foot by two feet or two square feet in area.
- C. The owner shall have three (3) days from the date of notification to provide a humane, secure enclosure. The animal deemed "dangerous" shall be under constant restraint on the owner's property during this period.
- D. An Animal Control Officer is empowered to confiscate the animal and harbor it at the owner's expense pending the owner's construction of humane secure enclosure. If any dangerous animal is confiscated under this provision, the owner of the dangerous animal shall be given written notice at the time of confiscation that if the owner fails to provide a secure enclosure upon the expiration of three (3) days for the confiscated animal then animal control is authorized to dispose of the animal. If the owner constructs a secure enclosure which is approved by animal control, and the animal is not being destroyed, the animal may be redeemed within three (3)

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days from confiscation so long as all fees owing to animal control for harboring, caring and maintaining the animal are paid.

- E. Any dangerous animal not kept in accordance with the requirements of this chapter may be confiscated by the Animal Control Officer and harbored at the owner's expense until the owner complies with the requirements of this chapter.
- F. The owner of a dangerous animal shall inform the Animal Control Officer, as soon as practicable, but not later than 24 hours, after the occurrence of any of the following:
 - (1) An assault, attack or biting upon any human being committed by any such animal in the owner's care or control.
 - (2) An attack or biting upon any domesticated animal or pet while said animal is off the owner's property.
 - (3) The destruction of or damage to property of another by such animal.
 - (4) The roaming or escape of any animal required to be restrained or confined to a secure enclosure.
- G. It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Officer in the performance of any duty authorized by this chapter, or seek to release any animal in the custody of such agents, except as otherwise specifically provided.

§ 81.01 DEFINITION

- A. **Humane Treatment of Animals:** It is the intent of the Town Board to ensure all citizens maintain the humane care and ethical treatment of all animals under the jurisdiction of the Town of Woodland.
- B. **Vicious animal:** A vicious animal is any animal that has made an unprovoked attack on a human by biting or in any manner causing abrasions or cuts to the skin. A vicious animal is also any animal that habitually or repeatedly attacks or physically threatens humans or other animals.
- C. **Owner:** An owner is any person, group of persons, or entity owning, keeping, and having charge of sheltering, feeding, harboring or taking care of any animal.
- D. **Animal:** Any live vertebrate creature.
- E. **Domestic Animal:** An animal that typically is found in a tame state and usually is kept as a pet. This definition includes both dogs and cats.
- F. **Animal Hoarding:** Excessive amount of domestic animals harbored at a single residence creating a state of unhealthy conditions for both the animals and owner. The Town of Woodland highly recommends no more than (5) five domestic animals kept as pets within a single residence.
- G. **Livestock:** An animal that typically is kept principally for productive or useful purposes, rather than a pet. The definition includes horses, cows, goats, sheep, mules, and pigs.

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- (1) Special permit: A temporary livestock permit must be obtained from the Town of Woodland by special permission from the board.
- H. Animal Control Officer: The town Chief of Police or one of his police officers.
- I. At Large: Means any animal shall be deemed to be at large when it is off the property of its owner and not under restraint or control of a competent person.
- J. and those responsible will be charged with abuse to animals under this chapter:
- (1) Failing to provide an animal with adequate food and potable water for more than twenty-four (24) hours without written instructions from a veterinarian who has recommended withholding food and water for medical reasons, or failing to consistently provide food at intervals sufficient to maintain the animals health and well-being;
 - (2) Overworking or overdriving any animal causing physical pain, suffering, or death to the animal;
 - (3) Beating, torturing, molesting, harassing, injuring, tormenting, poisoning, or mutilating any animal causing physical pain, suffering, or death to the animal. This includes fighting animals for pleasure or profit.
 - (4) Failing to provide adequate medical attention for any sick, diseased, or injured animal in order to prevent physical pain, suffering, or death to the animal;
 - (5) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increases the probability of the transmission of disease;
 - (6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun, etc.) and which is large enough to allow the animal to make normal body movements;
 - (7) Failing to provide for animals, which are kept outside, a shelter, which is surrounded on three (3) sides, covered by a roof, and has a floor (excluding barns) and which is structurally sound, maintained in good repair, and constructed in such a manner that it is water and wind resistant;
 - (8) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in such a way as to cause physical pain, suffering or death to the animal; or
 - (9) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to cause physical pain, suffering or death to the animal due to temperature, lack of food or drink, or such other conditions.

§ 81.02 DECLARATION OF NUISANCES AND ANNOYANCE.

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- A. Habitually or repeatedly without provocation chases, snaps at or attacks pedestrians, bicycles or chases vehicles, even if the animal never leaves its owners property or does so only to transgress upon the adjacent right of way and then returns to its owners property.
- B. Without provocation and off the premises of the animal's owner, inflicts on any person a serious injury requiring treatment by a physician, including but not limited to a bite or scratch that breaks the skin.
- C. Turns over garbage pails or damages gardens, flowers, shrubs, vegetable or lawns.
- D. Urinates or defecates on property other than that of the animals owners. Owners must clean up after their animals when they defecate on property other than their own.
- E. Trespasses upon property other than that of the animal's owners, dog or cat, and carries off articles or objects not belonging to the animal's owner.
- F. The keeping or maintenance of any animal which by prolonged and habitual barking, howling, meowing or any habitual noise which causes serious annoyance to neighboring residences and interferes with reasonable use and enjoyment of the premises occupied by such residents or the reasonable use and enjoyment of the public streets, side walks or public areas, is hereby declared to be a public nuisance.

§ 81.03 CONTAINMENT — RUNNING AT LARGE - REQUIREMENTS.

- A. Animals are not allowed to run at large in the Town of Woodland and are grounds to be picked up by the Animal Control Officer. No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large upon any public street, sidewalk or other public property or to stray, run at large or otherwise trespass upon the private property of another and is grounds to be picked up by the Animal Control Officer and can be cited for allowing the animal to run at large.
- B. An animal, runs at large when it is off the premises of the owner and is not under the immediate and effective constraint of the owner or other competent person in charge.
- C. Proper enclosure: shall mean a building or other structure from which cannot escape or an outside area enclosed by a fence at least four feet to six feet in height and a minimum of ten feet by ten feet in area. An electric containment system or an overhead trolley tether at least 7 feet above the ground is also permissible confinement of an animal. It shall NOT be allowed to tether, chain or tie_a dog to_any fixed object as a means of permanent confinement,
- D. All such pens and enclosures shall be maintained at all times in a sufficiently clean and sanitary manner to protect adjacent properties from offensive odors.
- E. It is highly recommended that owners keep their dog on a leash or under voice command control at all times and follow the definition presented in this section concerning the leash law. Owners and people taking temporary custody will be held 100% responsible if the dog causes bodily injury to a human, an animal or to others

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property. Animal control has the authority to order a dog to be leashed; owners that refuse to comply with this order will be issued a \$50 fine. The leash law is when a dog is restrained or controlled by a strong collar with a leash, made of nylon rope or chain strong enough to sufficiently keep it under control. Persons having animals on a leash must maintain control of them at all times and have enough strength to handle the size of the animal. Owner or handler is responsible for all dog actions covered under Section 81.02.

- F. All animals in the town limits of Woodland and taken out doors will be required to have a well-fitted collar. Attached to the collar must be the owner's name.

§ 81.04 STRAY ANIMALS

- A. The Board finds that the presence of stray dogs and cats within the town constitutes a condition that is dangerous or prejudicial to the public health and safety and those animals should be impounded or destroyed as provided in this section hereafter known as quarantine.
- B. Annually or more often if necessary, the Board may establish a period of two weeks during which all animals found running at large shall be treated as strays.
- C. Before quarantine goes into effect, the Board shall give reasonable notice to the public of the dates of such a period and the consequences of allowing animals to run at large during such period. This notice shall be published in a newspaper having general circulation in the area at least once a week for two successive weeks before the start of such period, and additional forms of notification may also be used. These procedures shall be in lieu of the requirements of Section 81.08.
- D. During this period of quarantine, the Woodland Animal Control Officer shall attempt to impound any animal found running at large contrary to this section. The Woodland Animal Control Officer may contact the County Animal Control Officer for assistance, however, as last resort; the Woodland Animal Control Officer may eliminate the animal.
- E. Any animals running at large during this time frame will be picked up by the Town of Woodland Animal Control Officer and/or the Northampton County Animal Warden and held for a minimum of 96 hours at the county animal shelter. Anyone reclaiming an impounded animal will have to pay a flat fee per animal, plus a set amount per day for each day it is kept, to the animal control warden, the amounts of which will be listed in the notice prior to the two-week period. The County Animal Control Officer will have jurisdiction over any unclaimed animals.

§ 81.05 LIVESTOCK

- A. Keeping of Livestock Prohibited. It shall be unlawful to keep or maintain any cow, horse, pony, mule, sheep, goat, pig, hog, or other livestock on any lot or within any pen, stable, or other enclosure or building within the corporate limits.
- B. Notwithstanding the above prohibition, the Town Commissioners may grant temporary exceptions to the keeping of livestock inside the city limits.

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- C. Effect upon Existing Livestock. Persons keeping or maintaining within the corporate limits any of the animals named in A. above shall remove them from the corporate limits in order to comply with section A above not later than six months from the effective date of this section.

§ 81.06 BIRD SANCTUARY.

- A. The territory within the corporate limits of the municipality is declared a bird sanctuary.
- B. It shall be unlawful for any person to kill, trap or otherwise take any bird within the corporate limits without written permission of the Police Chief. See Penalty: Section 81.99

§ 81.07 CHICKEN ORDINANCE.

- A. Without a written permit from the Town Commissioners, no chickens or fowl shall be kept within the town limits of Woodland for commercial purposes. One hundred or more will be considered commercial.
- B. Other chickens or fowl up to 25 should be housed a minimum of 100 feet from neighboring residences. A proper coop and fenced enclosure shall be provided and maintained in a clean and sanitary method so as not to be offensive to neighbors.
- C. Each offender, if found guilty, shall be given ten days notice to clean up his premises or be subject to a fine of \$25.00 for the first offense and up to \$100.00 for additional offenses.

§ 81.08 ENFORCEMENT.

- A. Complaint and Notice. Upon receipt of a written detailed and signed complaint being made to the Police Department by any resident or residents that any person is maintaining a public nuisance as described in Section 81.02, the investigating officer shall cause the owner or keeper of the animals in question to be notified that a complaint has been received. The situation will be investigated and a written report filed by the investigating officer.
- B. Abatement. If a vicious animal has bitten or in any manner caused abrasions or cuts to the victim and the written findings of the investigating officer indicate that the complaint is justified, then the investigating officer shall cause the owner to quarantine such animal in question. The owner or person with custody shall be ordered to abate such nuisance within twenty-four (24) hours by destruction or removal of such animals, or by construction of a proper enclosure with a lock as the case may necessitate. In the event the owner or keeper of the animals is unknown and cannot be ascertained, such notice and order, along with a general description of the animals, shall be posted for forty-eight (48) hours at the Town Hall. The officer will then contact the Health Department and County Animal Control Officer.

§ 81.09 COMPLIANCE WITH STATE LAW. ARTICLE AS SUPPLEMENT TO STATE LAW.

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- A. 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.
- B. It is the purpose of the article 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.
- C. It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the County Health Director, the town council or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.
- D. A rabies inoculation shall be deemed "current" for a dog and cat if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.
- E. It shall be unlawful for any dog owner to fail to provide the dog with a collar or harness to which a current tag issued is securely attached and maintains the rabies vaccination certification. As further proof of inoculation, the collar or harness, with attached tag, must be worn at all times, except during the time the dog is hunting or is performing at shows, obedience trials, tracking tests, field tests, schools or other events sanctioned and supervised by a recognized organization.
- F. It shall be unlawful for any person to use for any animal a rabies inoculation tag issued for an animal other than the one using the tag.

§ 81.99 PENALTY

- A. Any person who violates any provision of this ordinance may incur a civil penalty, if found guilty, to the Town of up to \$350.00
- B. The first violation of this ordinance shall subject the violator to a written warning with the exception of owners refusing to comply with leashing their dog when ordered to do so by animal control. A fine of \$50.00 will be issued.
- C. The second violation during a twelve-month period shall subject the violator to a \$100.00 penalty.
- D. The third violation during a twelve-month period shall subject the violator to a \$200.00 penalty.
- E. Succeeding violations shall subject the violator to a \$350.00 penalty.
- F. Animals may be confiscated if violators fail to comply with above penalties.
- G. In addition, a violation of this ordinance shall constitute a misdemeanor punishable under the laws of North Carolina.

State Law References' Municipal regulation of domestic animals, GS 160A-186- protection of animals, G.S, 19A - Enforcement of Ordinances. GS. 160A-175 - Fines G.S. 14.4

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CHAPTER 82: PICKETING

Section

- 82.01 Picketing on Public Streets Regulated
- 82.02 Unlawful to Interfere With Pickets
- 82.03 Police or Law Enforcement Officers May Arrest Violators
- 82.04 Ordinance Validity
- 82.05 Penalty

§ 82.01 PICKETING ON PUBLIC STREETS REGULATED

Peaceful picketing in the furtherance of a lawful purpose shall be permitted in the Town of Woodland provided the same is done under the following conditions:

- A. Due to the fact that the Town of Woodland does not have adequate law enforcement, application for picketing must be made at least 72 hours prior to anticipation time of picketing. When making application for a picketing permit, the picketers must submit the name of an approved law enforcement officer they have obtained to police the picketing.
- B. Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic.
- C. Not more than 10 pickets promoting the same objective shall be permitted to use one of the two sidewalks within a block of the Town of Woodland at any one time.
- D. Such pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; provided the words used are not defamatory in nature or would tend to produce violence.
- E. Pickets must march in single file and not abreast and shall not march closer together than 15 feet, except in passing one another. Pickets shall not be allowed to walk more than 5 feet from curb line and be in continuous motion. Picketing shall be restricted to day light hours, (Sunrise to Sunset) only.
- F. If pickets promoting different objectives desire to use the same sidewalks for picketing and such use would result in the presence of more than 10 pickets thereon, the Chief of Police or law enforcement shall allot time to each group of pickets for the use of such sidewalks, on an equitable basis.
- G. The term "block" as used in this ordinance shall mean that portion of a street lying between intersections.

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H. Picketing done contrary to the provisions of this section shall be unlawful

§ 82.02 UNLAWFUL TO INTERFERE WITH PICKETS.

It shall be unlawful for any person to physically interfere with such pickets in the use of the sidewalks or address profane, indecent, abusive or threatening language to or at such pickets which would tend to provoke such pickets or others to a breach of the peace.

PICKETING § 82.03

§ 82.03 POLICE OR LAW ENFORCEMENT OFFICERS MAY ARREST VIOLATORS.

Law enforcement officers may, in the event of the assemblage of persons in such numbers as to tend to intimidate pickets pursuing their lawful objective through numbers along or through use of inflammatory words, direct the dispersal of persons so assembled and may arrest any person who fails to absent himself from the place of such assemblage when so directed by the law enforcement officers,

§ 82.04 ORDINANCE VALIDITY.

If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

§ 82.04 PENALTY.

Any individual or organization violating the provisions of this Ordinance shall be subject to a civil penalty of \$50.00. The individual or organization will be responsible for any damages occurring.

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CHAPTER 83: PARADES

Section

- 83.01 Parades on Public Streets Regulated
- 83.02 Types of Parades
- 83.03 Placards
- 83.04 Unlawful for any person to interfere with such events
- 83.05 Ordinance Validity
- 83.06 Penalty

§ 83.01 PARADES ON PUBLIC STREETS REGULATED.

Parades and other organized demonstrations in the furtherance of a lawful purpose shall be permitted in the Town of Woodland, provided the same is done under the following conditions:

- (a) Parades and other organized demonstrations may be conducted only on the streets reserved for the particular movement and may not be conducted on any portion of the sidewalk used primarily for pedestrian travel.
- (b) A permit for said parade or demonstration must be obtained from the Town Clerk of the Town at least 72 hours prior to the anticipated time of said parade or demonstration. The application shall state for what purpose the parade or demonstration is being conducted, the individual or organization Sponsoring said parade or demonstration and the designated area or areas in which it is desired that said parade or demonstration is to be conducted, and in the event of a parade, the route for said parade, including the designated time of beginning and ending of said Parade.
- (c) Said time designated in said application for said parade or demonstration, shall be such a reasonable time as not to unduly impede or hinder the flow of traffic in the Town, and shall in no case be longer that 1 hour in length.
- (d) There shall always be a police escort with any parade function in said town.

§ 83.02 TYPES OF PARADES.

The provisions of this Ordinance shall apply whether the event is a parade, organized marching, or other demonstration. However, this Ordinance does not regulate picketing, as the same is regulated by the Picketing Ordinance.

§ 83.03 PLACARDS.

Individuals or organizations participating in said parade, organized marching, or demonstration, or other similar events, may carry written or printed placards or signs not exceeding 2 feet in width,

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and 2 feet in length, promoting the objective for which the event is held; provided the words used are not defamatory or degrading in nature, or would tend to produce violence.

§ 83.04 UNLAWFUL FOR ANY PERSON TO INTERFERE WITH SUCH EVENTS.

Whenever any group or organization shall have obtained a permit for said parade, organized marching, or demonstration, it shall be unlawful for any person to physically interfere with such events in the use of the street, or to address profane, indecent, abusive, or threatening language to such individuals participating in said event, which would tend to provoke the participating individuals or others to a breach of peace.

§ 83.05 ORDINANCE VALIDITY.

If any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

§ 83.06 PENALTY.

Any individual or organization violating the provisions of this Ordinance shall be subject to a civil penalty of \$50.00. The individual or organization will be responsible for any damages occurring.

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CHAPTER 84: WEEDS, GRASS AND REFUSE

Section

- 84.01 Nuisance conditions
- 84.02 Investigation
- 84.03 Notice of violation, hearing
- 84.04 Notice to abate
- 84.05 Abatement by town
- 84.06 Costs of abatement; lien
- 84.07 Procedure not exclusive

Statutory reference; Abatement of public health nuisances, see G. S. 160A-193

§ 84.01 NUISANCE CONDITIONS.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (A) The uncontrolled growth of noxious weeds or grass to a height in excess of 24 inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (B) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein or rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (C) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein or rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (D) The open storage of any abandoned icebox, refrigerator, stove, glass, building material, building rubbish, or similar items.
- (E) Any condition detrimental to the public health, which violates the rules and regulations of the County Health Department,

§ 84.02 INVESTIGATION.

The Town Clerk, upon notice from any person of the possible existence of any of the conditions described in § 84.01, shall cause to be made by the appropriate County Health Department official,

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or town official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in §84.01.

§ 84.03 NOTICE OF VIOLATION: HEARING

If it appears that such conditions exist, the Town Clerk shall cause to be delivered or mailed to the owner of the property upon which the conditions exist, a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Town Clerk at a place therein fixed, not less than 10 nor more than 30 days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

§ 84.04 NOTICE TO ABATE.

If a determination is made that such conditions constituting a public nuisance exist, the Town Clerk shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompts abatement thereof within 15 days from the receipt of such written notice.

§ 84.05 ABATEMENT BY TOWN.

If the owner, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, the Town Clerk shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Clerk. Any person who has been ordered to abate a public nuisance may within the time allowed by this chapter, request the town in writing to remove such condition, the cost of which shall be paid by the person making the request.

§ 84.06 COSTS OF ABATEMENT.

The Town Clerk can instruct the Woodland Police Chief to issue a \$100 citation for noncompliance, each month this fine is not paid it will increase by \$50. If the Clerk determines there is a health hazard she will have the town maintenance department mow the property adding the cost of labor and fuel to the citation. Once the cost of the citation reaches \$250 and remains unpaid this matter is now escalated to a charge of misdemeanor.

§ 84.07 PROCEDURE NOT EXCLUSIVE

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this chapter as provided in G.S. 14-4.

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CHAPTER 85: MISCELLANEOUS OFFENSES

Section

- 85.01 Discharge of firearms
- 85.02 Disturbing public meetings
- 85.03 Injuring town property
- 85.04 Noise Nuisance
- 85.03 Consumption of Alcoholic Beverages
- 85.06 Signs and Posters on Telephone and Utility Poles

§ 85.01 DISCHARGE OF FIREARMS.

- (A) It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, BB gun, air rifle, pump gun or similar weapon, within the town, on or off his premises, in sport or amusement, except when used in defense of person or property or pursuant to written permission of the police chief. The use of metal tip arrows for sport or amusement within the town is also prohibited from use without written permission of the Police Chief.
- (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, air rifle, pump gun or similar weapon, pistol, pellet gun, BB gun, or metal tip arrows shall be guilty of a misdemeanor. Penalty, see 10.99

Statutory reference: Authority to regulate and restrict firearms, and pellet guns, see G.S. 160A-189 and 160A-190

§ 85.02 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. Penalty, see 10.99

§ 85.03 INJURING TOWN PROPERTY.

It shall be unlawful to injure, damage, deface, trespass upon, break, or injure any property belonging to the town, Penalty, see 10,99

§ 85.04 NOISE NUISANCE

Section1. It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud sound levels in the Town of Woodland, taking into consideration volume,

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duration, frequency and other characteristics of the sound, which annoy, disturb, injure, or endanger the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.

Section 2. The following activities, among others, are hereby declared to be unreasonably loud, disturbing sound levels, but said enumeration shall not be deemed to be exclusive:

- (1) The playing of any musical instrument or electronic sound amplification equipment in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m., such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity.
- (2) The keeping of any animal or bird which makes frequent or long continued sounds, such that a reasonably prudent person would recognize as likely to unreasonably disturb persons in the vicinity,
- (3) The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create unreasonably loud, disturbing sounds.
- (4) The operating of any garage or service station in any residential area so as to cause unreasonably loud, disturbing sounds to be emitted between the hours of 9:00 p.m. and 7:00 a.m. on any day.
- (5) The creation of unreasonably loud, disturbing sound levels adjacent to any school, educational facility, church or court during normal operating hours, or within one hundred and fifty feet of any hospital, which a reasonably prudent person would recognize as likely to unreasonably interfere with the working of such institutions, provided conspicuous signs are displayed indicating that such is a school, educational facility, church, court or hospital area.
- (6) 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 7:00 p.m. on any day, except in the case of urgent necessity in the interest of public safety, and then only under the direction of an appropriate Town official.
- (7) The use of any electronic sound amplification equipment for advertising or solicitation purposes, except with an appropriate permit.
- (8) The playing of any musical instrument or electronic sound amplification equipment in any business between 1:00 a.m. and 7:00 a.m.
- (9) It shall be unlawful for any person or persons to play, use, or permit to be played any loud "sound amplification system" in a motor vehicle on any public street, highway, public space, or commercial space where the sound generated is "plainly audible" at a distance of seventy-five (75) feet from the device producing sound, unless authorized or exempted by any other section of this chapter.
- (a) Definitions

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“Sound amplification system”. Any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

“Plainly audible”. Any sound produced by a sound amplification system, which can be clearly heard at a distance of seventy-five (75) feet or more. Measurement standards shall be the auditory senses, based upon the direct line of sight. Words or phrases need not be discernible and bass reverberations are included.

- (b) Exceptions - The following are exempt from the provisions of this subsection:
- (1) Noise resulting from an authorized utility service vehicle while in the process of repairing and /or restoring a utility service to the public.
 - (2) Noise resulting from any authorized emergency response vehicle.
 - (3) Noise resulting from parades, lawful picketing or other public demonstrations protected by the U.S. Constitution or federal law, or for which a local permit has been granted by the town, provided such activity is of a temporary duration lasting no longer than specified by the permit.

Section 3. Persons wishing to engage in activities regulated by this ordinance may do so when a specific permit is approved by the police chief. Applications shall be submitted on forms supplied by the Town. The permit shall not be unreasonably withheld, and may contain appropriate conditions, including maximum decibel levels, designed to minimize the disruptive impact. Permits for such activities significantly for religious or political purposes shall be granted, subject only to reasonable time, place and manner restrictions. Permits issued under this section may specify that the permission granted will continue for a stated period or until revoked after actual notice. Persons shall not be held in violation of this ordinance when acting in conformity with permit conditions, but any permit may be revoked if it is determined that the authorized activity has resulted in generation of unreasonably loud, disturbing sound levels.

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

Section 4. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, may be punished by a fine not to exceed fifty dollars

(\$50.00) or imprisoned not to exceed thirty (30) days. Each day such violation continues shall constitute a separate offense.

§ 85.05 CONSUMPTION OF ALCOHOLIC BEVERAGES.

Section 1. It shall be unlawful for any person to consume, serve, open, or drink Fortified Wine, Spirituous Liquor, Mixed Beverages, Malt Beverages (Beer) or Unfortified Wine on or in the public streets, roads, boulevards, alleys, sidewalks, school grounds, municipal buildings, or municipal parks, within the corporate limits of the town,

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Section 2. Violation of any provision hereof shall be a misdemeanor as provided in G.S. 14-4, punishable on conviction by a fine not exceeding \$50.00. G.S. 160A-175, to be paid to the Town Clerk.

Section 3. Application for special one-day permits may be made and granted by the Town Mayor or Town Board so as to permit exceptions to Section 1 for special occasions.

§ 85.06 Signs and Posters on Telephone and Utility Poles

It shall be unlawful! for anyone to place, or allow to be placed, any sign or poster on any Telephone or Utility Pole within the town limits of Woodland. Penalty, see § 10.99