

**TOWN OF KURE BEACH
ORDINANCE CHAPTER 8-10**

NOW THEREFORE, be it ordained by the Council of the Town of Kure Beach, in the State of North Carolina, as follows:

SECTION 1: **AMENDMENT** “10.04.020 Same - Designation As Traffic Zones” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.04.020 Same - Designation As Traffic Zones

AFTER AMENDMENT

10.04.020 ~~Same~~ - Designation As Traffic Zones

SECTION 2: **AMENDMENT** “10.08.020 Through Streets (Reserved)” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.08.020 Through Streets (Reserved)

AFTER AMENDMENT

10.08.020 ~~Through Streets (Reserved)~~Reserved

SECTION 3: **AMENDMENT** “8.10 REAL ESTATE SIGNS” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.10 REAL ESTATE SIGNS

AFTER AMENDMENT

8.10 ~~REAL ESTATE SIGNS~~RESERVED

SECTION 4: AMENDMENT “8.10.010 Placement On Town Property” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.10.010 Placement On Town Property

Real estate signs placed upon any property within the town shall be limited to one (1) sign only. No real estate sign may be placed upon the right-of-way of the town. Any violation of this section, the code enforcement officer is authorized to remove said sign and may issue a fifty dollar (\$50.00) civil citation as authorized under KBC 1.08.020.

(Ord. of 6-19-07)

Cross reference(s)—Signs, KBC 15.40.020.

AFTER AMENDMENT

8.10.010 ~~Placement On Town Property~~RESERVED

~~Real estate signs placed upon any property within the town shall be limited to one (1) sign only. No real estate sign may be placed upon the right-of-way of the town. Any violation of this section, the code enforcement officer is authorized to remove said sign and may issue a fifty dollar (\$50.00) civil citation as authorized under KBC 1.08.020.(Ord. of 6-19-07)**Cross reference(s)**—Signs, KBC 15.40.020.~~

SECTION 5: AMENDMENT “8 PUBLIC HEALTH AND SAFETY” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8 PUBLIC HEALTH AND SAFETY

Cross reference(s)—Administration, KBC 2; animals, KBC 9; dogs prohibited from running at large in the town, KBC 9.04.010; buildings and building regulations, KBC 11; minimum housing code, KBC 11.10.010; fire protection and prevention, KBC 2.12; garbage and trash, KBC 7.18; yard sales, KBC 5.04.020; masseuse, masseurs and massage establishments, KBC 8-26 et seq.; peddling and soliciting, KBC§ 8-81 et seq.; miscellaneous offenses, KBC 6.02; grass and weeds on sidewalk, gutters, etc., to be removed, KBC 13.06.010; removal of all grease, oil, etc., from sidewalks required, KBC 13.06.020; parks and recreation, KBC 13.14; police, KBC 2.14; streets, sidewalks and other public places, KBC 13; subdivisions, KBC 14; vehicles for hire, KBC 10.14 and KBC 10.16; zoning, KBC 15. **State law reference(s)**—

Authority to abate public health nuisances, G.S. § 160A-193; authority to remove and dispose of junked and abandoned motor vehicles, G.S. § 160A-303.

AFTER AMENDMENT

8 PUBLIC HEALTH AND SAFETY

Cross reference(s)—Administration, KBC 2; animals, KBC 9; ~~dogs prohibited from running at large in the town, KBC 9.04.010~~; buildings and building regulations, KBC 11; minimum housing code, KBC 11.10.010; fire protection and prevention, KBC 2.12; garbage and trash, KBC 7.18; yard sales, KBC 5.04.020; ~~masseuse, masseurs and massage establishments, KBC 8-26 et seq.~~; peddling and soliciting, KBC ~~§ 8-81 et seq.~~; 5.08; miscellaneous offenses, KBC 6.02; grass and weeds on sidewalk, gutters, etc., to be removed, KBC 13.06.010; removal of all grease, oil, etc., from sidewalks required, KBC 13.06.020; ~~parks and~~ recreation, KBC 13.14; police, KBC 2.14; streets, sidewalks and other public places, KBC 13; subdivisions, KBC 14; rental vehicles ~~for hire~~, KBC 10.14; Taxicabs, ~~and~~ KBC 10.16; zoning, KBC 15.
State law reference(s)—Authority to abate public health nuisances, G.S. § 160A-193; authority to remove and dispose of junked and abandoned motor vehicles, G.S. § 160A-303.

SECTION 6: AMENDMENT “8.02.010 Nuisances Declared; Enumeration” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.010 Nuisances Declared; Enumeration

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

- A. The uncontrolled growth of noxious weeds or grass to a height in excess of six (6) inches causing or threatening to cause a hazard detrimental to the public health or safety, including fallen trees and tree damage caused by storms;
- B. Any accumulation of waste, animal or vegetable, such as but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels, rooming houses and boarding houses, and all other deleterious substances that are offensive by virtue of odors, vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which are or may be dangerous or prejudicial to the public health;
- C. Any accumulation of rubbish, garbage, trash, or any material of any kind that has been discarded, rejected, cast aside, stored or thrown away as worthless 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 of rats, mice, snakes or vermin of any kind which are or may be dangerous or prejudicial to

the public health;

- D. Any accumulation of trash, rubbish such as tin cans, paper, boxes, glass, wood, shrubs, yard clippings, leaves, tree trimmings and other deleterious substances on the premises of private residences, commercial institutions and in the streets which greatly increases the danger of fire and spread of infections, contagious and epidemic diseases, shall constitute a public menace and nuisance;
- E. Any accumulation of construction or demolition debris such as bricks, concrete, lumber, scrap lumber, ashes, dirt, plaster, or large chunks of metal, such as automobile bodies, frames, stoves, refrigerators, beams or other metal materials shall not be stored, kept or placed upon any property unless prior arrangement for collection of such materials have been made and approved by the town;
- F. Any accumulation of abandoned or deteriorated structure such as boats, dog houses, storage sheds or the like which greatly increase the danger of fire and spread infections, contagious and epidemic diseases shall constitute a public menace and nuisance;
- G. Any condition detrimental to the public health which violates the rules and regulations of the county health department.

(Ord. of 7-21-92)

AFTER AMENDMENT

8.02.010 Nuisances Declared; Enumeration

The existence of any of the following conditions on any lot or other parcel of land within the Town corporate limits is hereby 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 six (6) inches causing or threatening to cause a hazard detrimental to the public health or safety, including fallen trees and tree damage caused by storms;
- B. Any accumulation of waste, animal or vegetable, (such as but not limited to waste material and refuse from kitchens, residences, ~~food grocery~~ stores, butcher shops, restaurants, cafes, eating and drinking establishments, hotels, motels, rooming houses and boarding houses, tourist lodgings, townhouses, condominiums) and all other deleterious substances that are offensive by virtue of odors, vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which are or may be dangerous or prejudicial to the public health;
- C. Any accumulation of rubbish, garbage, trash, recyclables or any material of any kind that has been discarded, rejected, cast aside, stored or thrown away as worthless 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 of rats, mice, snakes or vermin of any kind which are or may be dangerous or prejudicial to the public health;
- D. Any accumulation of trash, recyclables, rubbish such as tin cans, paper, boxes, glass, wood, shrubs, yard clippings, leaves, tree trimmings and other deleterious substances

on the premises of private residences, commercial institutions and in the streets which greatly increases the danger of fire and spread of infections, contagious and epidemic

diseases, shall constitute a public menace and nuisance;

- E. Any accumulation of construction or demolition debris such as bricks, concrete, lumber, scrap lumber, ashes, dirt, plaster, or large chunks or metal, such as automobile bodies, frames, stoves, refrigerators, beams or other metal materials shall not be stored, kept or placed upon any property unless prior arrangement for collection of such materials have been made and approved by the Town;
- F. Any accumulation of abandoned or deteriorated structure such as boats, dog houses, storage sheds or the like which greatly increase the danger of fire and spread infections, contagious and epidemic diseases shall constitute a public menace and nuisance;
- G. Any condition on a property meeting the requirements of 1 and 2 below:
 - 1. Poses a threat to public health, safety, and welfare, is offensive to the senses, or unreasonably obstructs and interferes with the free use of property and the comfortable enjoyment of life; and
 - 2. Affects, at the same time, a community, neighborhood, or reasonably significant number of persons even though the extent of said obstruction or interference may vary throughout
- H. Any condition detrimental to the public health which violates the rules and regulations of the County Hhealth Department.

(Ord. of 7-21-92)

SECTION 7: AMENDMENT “8.02.015 Graffiti Nuisance” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.015 Graffiti Nuisance

- A. *Findings.* Graffiti is the number one vandalism crime in the United States which significantly and adversely impacts property values and economic development and is often associated with actual or perceived gang activity such that, being prejudicial to public health, safety, and welfare, graffiti is hereby declared to constitute a public nuisance.
- B. *Definition.* As used in this section, “graffiti” means any marking, including but not limited to, any inscription, slogan, drawing, painting, symbol, logo, name, character, or figure, that is written, scripted, marked, etched, scratched, sprayed, drawn, painted, or engraved, or made in any other manner, on tangible public or private real or personal property.
- C. *Exemptions.* Graffiti shall not be construed to mean:
 - 1. Temporary, easily removable chalk or other water-soluble markings on

sidewalks and other surfaces utilized in connection on with children's activities, including, but not limited to, baseball, stickball, kickball, hopscotch.

2. Markings lawfully made on real or personal property with the property owner's consent which do not violate any provisions of the Town Code, including but not limited to, the town's sign regulations.

D. *Prohibition; Abatement.*

1. Graffiti is prohibited and any person engaging in graffitiing is guilty of graffiti vandalism under N.C. Gen. Stat. § 14-127.1 and shall also be subject to the civil penalties and remedies set forth in this article for the creation of a public nuisance.
2. An owner of real or personal property shall be subject to the civil penalties and remedies set forth in this article for maintaining a public nuisance if the owner fails to remove all graffiti from the property within fifteen (15) days after the date on which the written notice to abate provided under KBC 8.02.030 is received.

AFTER AMENDMENT

8.02.015 Graffiti Nuisance

- A. *Findings.* Graffiti is the number one vandalism crime in the United States which significantly and adversely impacts property values and economic development and is often associated with actual or perceived gang activity such that, being prejudicial to public health, safety, and welfare, graffiti is hereby declared to constitute a public nuisance.
- B. *Definition.* As used in this section, "graffiti" shall means any marking, including but not limited to, any inscription, slogan, drawing, painting, symbol, logo, name, character, or figure, that is written, scripted, marked, etched, scratched, sprayed, drawn, painted, or engraved, or made in any other manner, on tangible public or private real or personal property.
- C. *Exemptions.* Graffiti shall not be construed to mean:
 1. Temporary, easily removable chalk or other water-soluble markings on sidewalks and other surfaces utilized in connection ~~on~~ with children's activities, including, but not limited to, baseball, stickball, kickball, hopscotch.
 2. Markings lawfully made on real or personal property with the property owner's consent which do not violate any provisions of the ~~KBC Town Code~~, including but not limited to, the ~~T~~town's sign regulations.
- D. *Prohibition; Abatement.*
 1. Graffiti is prohibited and any person engaging in graffitiing is guilty of graffiti vandalism under N.C. ~~G.S. Gen. Stat.~~ § 14-127.1 and shall also be subject to the civil penalties and remedies set forth in this article for the creation of a public nuisance.
 2. An owner of real or personal property shall be subject to the civil penalties and remedies set forth in this article for maintaining a public nuisance if the

owner fails to remove all graffiti from the property within fifteen (15) days after the date on which the written notice to abate provided under KBC 8.02.030 is received.

SECTION 8: AMENDMENT “8.02.016 Light Trespass Nuisance” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.016 Light Trespass Nuisance

A. Findings and purpose.

1. *Findings.* Town Council finds that the existence of improperly located/directed lighting or excessive/obtrusive lighting causes unpleasant, unhealthy, and unsafe conditions which threaten general welfare and the natural environment. Based upon these findings, Council hereby declares that prohibited lighting, as set forth in this Section, on any lot or parcel within the Town’s corporate limits is dangerous and prejudicial to public health and safety and does therefore constitute a public nuisance.
2. *Purpose.* The purpose of this Section is to set and require reasonable lighting standards to:
 - a. Provide for and control lighting in outdoor settings where public health, safety, and welfare are potential concerns.
 - b. Protect drivers and others from glare.
 - c. Protect property and the night-sky from glare and light trespass caused by improperly selected, located, directed, applied, maintained, or shielded light sources.
 - d. Promote energy efficient lighting installations.
 - e. Protect and enhance the visual character of the Town.
 - f. Protect the natural environment including but not limited to the use of the Town’s beaches by sea turtle

- B. *Definitions.* For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning *Exterior lighting.* Lighting equipment installed within the property line and outside the building envelope of a subject property whether attached to poles, building structures, the earth, or any other location and which includes, without limitation, façade, canopy, security, landscaping, and flag pole lighting. *Façade lighting.* The illumination of exterior surfaces of buildings achieved by shining light onto building surfaces. *Foot-candle.* A measure of light falling on a given surface. One foot-candle is equal to one lumen per square foot. *Landscape lighting.* Lighting of trees, shrubs, other plant material, water features, and sculptural objects. *Lumen.* The light-output rating of a lamp. *Luminaire.* A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. *Seasonal lighting.* Seasonal and/or holiday-themed lighting in cumulative use for not longer than a 6-week period in any calendar year.

Security lighting. Exterior lighting used for, without limitation, illuminating walkways, roadways, and equipment.

C. *Exemptions.* The following are exempt from the provisions of this Section:

1. Lighting within public ways for the principal purpose of illuminating public ways.
2. Lighting for public parks.
3. Lighting for signs as regulated under KBC Sec. 15.40.080.
4. Lighting for Town-approved theatrical or television productions or performance areas.
5. Lighting for Town-approved theatrical or television productions or performance areas.
6. Underwater lighting in swimming pools.
7. Seasonal lighting.
8. Lighting used in emergency situations or conditions.
9. Lighting required under federal, state, or local laws, ordinances, rules, and/or regulations.
10. Lighting as otherwise required by the Town for public health, safety, and welfare.
11. Residential porch lights, limited to a maximum of two (2) in the front and two (2) in the back, provided the bulbs used do not exceed 40 watts each (or LED bulbs equivalent to 40 watts).

D. *Prohibited Lighting.* The following types of lighting are specifically prohibited:

1. Any lighting that does not comply with the applicable General and Special Standards set forth below in, respectively, sub-sections E and F.
2. Lighting that could be confused for a traffic control device.
3. Searchlights, beacons, and laser source luminaires.
4. Lights which blink, flash, move, revolve, flicker, change intensity, or change color.
5. Illuminating, by any light source, any portion of the beach within the Town's corporate limits between the hours of sunset and sunrise from May 1st through October 31st except by such frequencies of red light as to not disturb nesting or hatchling sea turtles.

E. *General Standard.*

1. *Illumination level at the property line.* Where adjacent to residential uses, the illumination level shall not exceed 0.1 (1/10) foot-candles at 5 feet beyond the property line. Where adjacent to commercial uses, the illumination level shall not exceed 0.2 (2/10) foot-candles at 5 feet beyond the property line. Exterior luminaires (lighting fixtures) which will be visible from residential areas shall be oriented or shielded so that the direct or reflected light source is not visible.

F. *Applicability.* Except as provided for in this Section, all exterior lighting installed after the effective date of this Section shall comply with the requirements set forth herein. This applicability includes, but is not limited to, new lighting equipment, light fixtures, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location. Except as otherwise provided for in this Section, all exterior lighting installed prior to the effective date of this Section shall be altered and made to conform to these requirements within 2 years after the effective date of this

Section.

G. *Nonconforming lighting.* Notwithstanding the provisions of sub-section G above, nonconforming lighting shall be made to conform to the requirements of this Section when:

1. Upon the effective date of this Section, property owners shall make, where reasonable and feasible to do so, minor modifications and corrective measures to their lighting installations, such as, for example, re-aiming or shielding the lighting, to achieve conformity with the applicable requirements set forth in this Section.
2. Nonconforming lighting deemed by the Town, following a complaint-based investigation as provided for in KBC 8.02.020, to constitute a public nuisance.
3. There is a change in the use of the subject property.

H. *Abatement.* Any person or entity responsible for causing or maintaining nonconforming lighting that constitutes a public nuisance shall be subject to the civil penalties and remedies set forth in this article in the event said person or entity fails to abate the public nuisance within 15 days after the date on which the written notice to abate provided under KBC 8.02.030 is received.

AFTER AMENDMENT

8.02.016 Light Trespass Nuisance

A. Findings and purpose.

1. *Findings.* ~~Town Council finds that~~ the existence of improperly located/directed lighting or excessive/obtrusive lighting causes unpleasant, unhealthy, and unsafe conditions which threaten general welfare and the natural environment. ~~Based upon these findings, Council hereby declares that~~ Prohibited lighting, as set forth in this Section, on any lot or parcel within the Town's corporate limits is dangerous and prejudicial to public health and safety and does therefore constitute a public nuisance.
2. *Purpose.* The purpose of this Section is to set and require reasonable lighting standards to:
 - a. Provide for and control lighting in outdoor settings where public health, safety, and welfare are potential concerns.
 - b. Protect drivers and others from glare.
 - c. Protect property and the night-sky from glare and light trespass caused by improperly selected, located, directed, applied, maintained, or shielded light sources.
 - d. Promote energy efficient lighting installations.
 - e. Protect and enhance the visual character of the Town.
 - f. Protect the natural environment including but not limited to the use of

the Town's beaches by sea turtles

- B. *Definitions.* For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning *Exterior lighting shall mean:* Lighting equipment installed within the property line and outside the building envelope of a subject property whether attached to poles, building structures, the earth, or any other location and which includes, without limitation, façade, canopy, security, landscaping, and flag pole lighting. *Façade lighting- shall mean t*The illumination of exterior surfaces of buildings achieved by shining light onto building surfaces. *Foot-candle- shall mean a*A measure of light falling on a given surface. One foot-candle is equal to one lumen per square foot. *Landscape lighting shall mean lighting-*Lighting of trees, shrubs, other plant material, water features, and sculptural objects. *Lumen- shall mean t*The light-output rating of a lamp. *Luminaire- shall mean a*A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. *Seasonal lighting shall mean -s*Seasonal and/or holiday-themed lighting in cumulative use for not longer than a 6-week period in any calendar year. *Security lighting shall mean- e*Exterior lighting used for, without limitation, illuminating walkways, roadways, and equipment.
- C. *Exemptions.* The following are exempt from the provisions of this Section:
1. Lighting within public ways for the principal purpose of illuminating public ways.
 2. Lighting for public parks.
 3. Lighting for signs as regulated under KBC Sec. 15.40.080.
 4. Lighting for Town-approved theatrical or television productions or performance areas.
 - ~~5. Lighting for Town-approved theatrical or television productions or performance areas.~~
 6. Underwater lighting in swimming pools.
 7. Seasonal lighting.
 8. Lighting used in emergency situations or conditions.
 9. Lighting required under federal, state, or local laws, ordinances, rules, and/or regulations.
 10. Lighting as otherwise required by the Town for public health, safety, and welfare.
 11. Residential porch lights, limited to on each story, a maximum of two (2) in the front and two (2) in the back, provided the bulbs used do not exceed 40 watts each (or LED bulbs equivalent to 40 watts).
- D. *Prohibited Lighting.* The following types of lighting are specifically prohibited:
1. Any lighting that does not comply with the applicable General and Special Standards set forth below in, respectively, sub-sections E and F.
 2. Lighting that could be confused for a traffic control device.
 3. Searchlights, beacons, and laser source luminaires.
 4. Lights which blink, flash, move, revolve, flicker, change intensity, or change color.
 5. Illuminating, by any light source, any portion of the beach within the Town's corporate limits between the hours of sunset and sunrise from May 1st through October 31st except by such frequencies of red light as to not disturb nesting

or hatchling sea turtles.

E. *General Standard.*

1. *Illumination level at the property line.* Where adjacent to residential uses, the illumination level shall not exceed 0.1 (1/10) foot-candles at 5 feet beyond the property line. Where adjacent to commercial uses, the illumination level shall not exceed 0.2 (2/10) foot-candles at 5 feet beyond the property line. Exterior luminaires (lighting fixtures) which will be visible from residential areas shall be oriented or shielded so that the direct or reflected light source is not visible.

F. *Applicability.* Except as provided for in this Section, all exterior lighting ~~installed after the effective date of this Section~~ shall comply with the requirements set forth herein. This applicability includes, but is not limited to, new lighting equipment, light fixtures, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location. Except as otherwise provided for in this Section, all exterior lighting ~~installed prior to the effective date of this Section~~ shall be altered and made to conform to these requirements ~~within 2 years after the effective date of this Section~~.

G. *Nonconforming lighting.* Notwithstanding the provisions of ~~S~~sub-section ~~F~~G above, nonconforming lighting shall be made to conform to the requirements of this Section when:

- ~~1. Upon the effective date of this Section, property owners shall make, where reasonable and feasible to do so, minor modifications and corrective measures to their lighting installations, such as, for example, re-aiming or shielding the lighting, to achieve conformity with the applicable requirements set forth in this Section.~~
2. Nonconforming lighting deemed by the Town, following a complaint-based investigation as provided for in KBC 8.02.020, to constitute a public nuisance.
3. There is a change in the use of the subject property.

H. *Abatement.* Any person or entity responsible for causing or maintaining nonconforming lighting that constitutes a public nuisance shall be subject to the civil penalties and remedies set forth in this ~~A~~article in the event said person or entity fails to abate the public nuisance within 15 days after the date on which the written notice to abate provided under KBC 8.02.030 is received.

SECTION 9: AMENDMENT “8.02.020 Complaint; Investigation” of the
Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.020 Complaint; Investigation

The building inspector, upon notice from any person of the existence of any of the conditions described in KBC 8.02.010, 8.02.015, and/or 8.02.016, shall cause to be made by the appropriate county health department official, or town official, such investigation as may be necessary to determine whether in fact such conditions exist as to constitute a public nuisance as declared in such section.

(Ord. of 7-21-92)

AFTER AMENDMENT

8.02.020 Complaint; Investigation

The **B**uilding **I**nspector, upon notice from any person of the existence of any of the conditions described in KBC 8.02.010, 8.02.015, and/or 8.02.016, shall cause to be made by the appropriate **C**ounty **H**health **D**epartment official, or town official, such investigation as may be necessary to determine whether in fact such conditions exist as to constitute a public nuisance as declared in such **S**ection.

(Ord. of 7-21-92)

SECTION 10: AMENDMENT “8.02.030 Notice To Abate” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.030 Notice To Abate

Upon a determination that such conditions constituting a public nuisance exist, as specified in KBC 8.02.010 subparagraphs B, C, D, E, F and G, 8.02.015, and/or 8.02.016, the building inspector shall notify, in writing, the owner, occupant, or person in possession of the subject premises of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days after the date on which said written notice was received.

Upon a determination that such conditions constituting a public nuisance exist as defined in KBC 8.02.010 subparagraph A and given the fact that weeds and grass continue to grow at a rapid rate at certain times of the year, the building inspector shall in the spring of the year notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt and continuous abatement thereof which shall be the responsibility of the owner thereof to keep and maintain his property in compliance with existing public health and safety regulations throughout the year. No further notice for the year shall be required.

(Ord. of 7-21-92; Ord. of 5-19-98; Ord. of 2-16-99)

AFTER AMENDMENT

8.02.030 Notice To Abate

Upon a determination that such conditions constituting a public nuisance exist, as specified in KBC 8.02.010 ~~S~~subparagraphs B, C, D, E, F, and G, 8.02.015, and/or 8.02.016, the ~~B~~building ~~I~~nspector shall notify, in writing, the owner, occupant, or person in possession of the subject premises of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days after the date on which said written notice was received.

Upon a determination that such conditions constituting a public nuisance exist as defined in KBC 8.02.010 ~~S~~subparagraph A and given the fact that weeds and grass continue to grow at a rapid rate at certain times of the year, the ~~B~~building ~~I~~nspector shall ~~in the spring of the year~~ notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt and continuous abatement thereof which shall be the responsibility of the owner thereof to keep and maintain his property in compliance with existing public health and safety regulations throughout the year. No further notice for the year shall be required.

(Ord. of 7-21-92; Ord. of 5-19-98; Ord. of 2-16-99)

SECTION 11: AMENDMENT “8.02.040 Abatement By Town - Upon Failure Of Owner” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.040 Abatement By Town - Upon Failure Of Owner

If any person, having been ordered under KBC 8.02.030 to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days after the date on which the order was received, the building inspector or his designee shall seek town council approval to cause said condition to be removed or otherwise abated by having employees of the town or other designated persons go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the town council. In the event the employees or designated persons are denied entry on to the property, the town shall have recourse to any available remedy in law or equity to secure entry.

(Ord. of 7-21-92)

AFTER AMENDMENT

8.02.040 Abatement By Town - Upon Failure Of Owner

If any person, having been ordered under KBC 8.02.030 to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days after the date on which the order was received, the ~~B~~building ~~I~~nspector or ~~his~~ designee shall seek ~~T~~own ~~C~~ouncil approval to cause said condition to be removed or otherwise abated by having employees of the ~~T~~own or other designated persons go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the ~~T~~own ~~C~~ouncil. In the event the employees or designated persons are denied entry on to the property, the ~~T~~own shall have recourse to any available remedy in law or equity to secure entry.

(Ord. of 7-21-92)

SECTION 12: AMENDMENT “8.02.050 Same - Costs Charged To Owner” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.050 Same - Costs Charged To Owner

- A. The actual cost incurred by the town in removing or otherwise abating a public nuisance shall be charged to the owner of such lot or parcel of land and it shall be the duty of the finance department to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days after the date on which the statement was received . In addition to the actual cost, there shall be added an administrative overhead fee, such fee shall be determined by the town council.
- B. In the event the town commences a civil action to collect an unpaid civil citation or obtain an order of abatement, the town shall be entitled to recover from the defendant the costs of such action, including but not limited to, court costs, enforcement costs including expenses and fees for any related inspections, clean-up, and/or abatement, and a reasonable attorney’s fee.

(Ord. of 7-21-92)

AFTER AMENDMENT

8.02.050 ~~Same-~~ Costs Charged To Owner

- A. The actual cost incurred by the ~~T~~own in removing or otherwise abating a public nuisance shall be charged to the owner of such lot or parcel of land and it shall be the duty of the ~~F~~inance ~~D~~epartment to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due

and payable within thirty (30) days after the date on which the statement was received . In addition to the actual cost, there shall be added an administrative overhead fee, such fee shall be determined by the Town Council.

- B. In the event the Town commences a civil action to collect an unpaid civil citation or obtain an order of abatement, the Town shall be entitled to recover from the defendant the costs of such action, including but not limited to, court costs, enforcement costs including expenses and fees for any related inspections, clean-up, and/or abatement, and a reasonable attorney's fee.

(Ord. of 7-21-92)

SECTION 13: AMENDMENT “8.02.060 Same - Unpaid Charges Become A Lien” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.060 Same - Unpaid Charges Become A Lien

If charges for the removal or abatement of a public nuisance are not paid by the property owner within thirty (30) days after the date on which a statement of charges was received as provided for under KBC 8.02.050. or if a court-ordered award of costs to the town as provided for in KBC 8.02.050.B is not paid by the defendant within thirty (30) days after the date on which the order was entered by the court, such charges/costs shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(Ord. of 7-21-92)

AFTER AMENDMENT

8.02.060 ~~Same~~- Unpaid Charges Become A Lien

If charges for the removal or abatement of a public nuisance are not paid by the property owner within thirty (30) days after the date on which a statement of charges was received as provided for under KBC 8.02.050. or if a court-ordered award of costs to the Town as provided for in KBC 8.02.050.B is not paid by the defendant within thirty (30) days after the date on which the order was entered by the court, such charges/costs shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(Ord. of 7-21-92)

SECTION 14: AMENDMENT “8.02.070 Additional Remedies” of the

Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.02.070 Additional Remedies

The procedure set forth in this article shall be in addition to any other remedies that may now or hereafter exist in law or equity for the abatement of public nuisances, and this article shall not prevent the town from issuing a civil citation subjecting the offender to a civil penalty in the amount of twenty-five dollars (\$25.00) for each day the violation continues to exist in accordance with the provisions of KBC 1.08.020 or proceeding in a criminal action against any person violating the provisions of this article as provided in G.S. § 14-4 or both.

(Ord. of 7-21-92)

AFTER AMENDMENT

8.02.070 Additional Remedies

The procedure set forth in this article shall be in addition to any other remedies that may now or hereafter exist in law or equity for the abatement of public nuisances, and this article shall not prevent the Ttown from issuing a civil citation subjecting the offender to a civil penalty in the amount set forth on the Town Fee Schedule ~~of twenty-five dollars (\$25.00)~~ for each day the violation continues to exist in accordance with the provisions of KBC 1.08.020 or proceeding in a criminal action against any person violating the provisions of this article as provided in G.S. § 14-4 or both.

(Ord. of 7-21-92)

SECTION 15: **AMENDMENT** “8.04 NOISE” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.04 NOISE

Cross reference(s)—Parks and recreation, KBC 13.14; streets, sidewalks and other public places, KBC 13; motor vehicles and traffic, KBC 10; vehicles for hire, KBC 10.14 and KBC 10.16; zoning, KBC 15.

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

AFTER AMENDMENT

8.04 NOISE

Cross reference(s)—~~R~~~~Parks and~~ recreation, KBC 13.14; streets, sidewalks and other public places, KBC 13; motor vehicles and traffic, KBC 10; rental vehicles ~~for hire~~, KBC 10.14; taxicabs, ~~and~~ KBC 10.16; zoning, KBC 15.

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

SECTION 16: AMENDMENT “8.04.010 Certain Noises Prohibited” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.04.010 Certain Noises Prohibited

- A. The creation and continuation of any loud, disturbing and unnecessary noises in the town is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noises as disturb the quiet and peace of any person of the town.
- B. The following acts, among others, are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:
 1. *Blowing horns*. The sounding or blowing of any horn or signal device on any automobile, motorcycle, motorbus or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise, and the sounding of such device for any unnecessary or unreasonable period of time.
 2. *Radios, phonographs, etc.* The playing of any radio, amplified system, band, or any musical instrument in such manner or with such volume as to annoy or disturb any person, or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other residence. Such nuisances shall be restricted between the hours of 11:00 p.m. to 10:00 a.m.
 3. *Pets*. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
 4. *Use of vehicle*. The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or used or repaired in such manner, as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.

5. *Blowing whistles.* 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.
6. *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motorboat engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
7. *Devices using compressed air.* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced.
8. *Building operations.* 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, and 9:00 a.m. until 4:00 p.m. Saturdays except in cases of urgent necessity in the interest of public safety and then only with a permit from the town.
9. *Noises near schools, hospitals, churches, etc.* The creation of any excessive noises on any street adjacent to any school, institution of learning, library, sanitorium, hospital or court, while the same is in session, or adjacent to any church during church services, which interferes with the work or worship in any such place or institution; provided, that signs must be displayed in such streets indicating that the same is a school, hospital, church, library, sanitorium or court.
10. *Loading and unloading operations.* The creation of loud and excessive noises in connection with loading or unloading any vehicle, or repairing any vehicle, or opening and destroying bales, boxes, crates and containers.
11. *Bells or gongs.* The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of any person in the vicinity thereof.
12. *Hawking, peddling or soliciting.* Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxi drivers, solicitors and vendors, which disturbs the quiet and peace of the neighborhood, or any person in there.
13. *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise by the creation of noise.
14. *Loudspeakers or amplifiers on vehicles.* The use of any mechanical loudspeaker or amplifiers on trucks, airplanes or other vehicles for advertising or other purposes except by operating and licensed business and advertising firms during weekdays other than Sunday between the hours of 8:00 a.m. and 8:00 p.m., after first obtaining a permit from the town council. Any other person desiring to use such equipment shall before using the same first obtain a permit for such use from the town council. In the operation of such equipment not more than twenty (20) watts power shall be used.
15. *Noises at night near residences.* The operation of any place of business, restaurant, filling station, store, office, including private residences, between

the hours of 11:00 p.m. and 7:00 a.m., in such manner as to create loud and disturbing noises, of such frequency or volume as to annoy or disturb any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.

(Code 1973, § 15-26; Ord. of 1-21-92; Ord. of 3-21-06; Ord. of 2-20-07(2); Ord. of 3-20-12)

AFTER AMENDMENT

8.04.010 Certain Noises Prohibited

A. The creation and continuation of any loud, disturbing and unnecessary noises in the

~~T~~town is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or such noises as disturb the quiet and peace of any person of the ~~T~~town.

B. The following acts, among others, are declared to be loud, disturbing, annoying and unnecessary noises in violation of this ~~S~~section, but such enumeration shall not be deemed to be exclusive:

1. *Blowing horns.* The sounding or blowing of any horn or signal device on any automobile, motorcycle, motorbus or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise, and the sounding of such device for any unnecessary or unreasonable period of time.
2. *Radios, phonographs, etc.* The playing of any radio, amplified system, band, or any musical instrument in such manner or with such volume as to annoy or disturb any person, or disturb the quiet, comfort or repose of any person in any dwelling, ~~tourist lodging~~hotel or other residence. Such nuisances shall be restricted between the hours of 11:00 p.m. to 10:00 a.m.
3. *Pets.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
4. *Use of vehicle.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or used or repaired in such manner, as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises.
5. *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler, except ~~to give notice of the time to begin or stop work~~ as a warning of danger.
6. *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motorboat engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
7. *Devices using compressed air.* The use of any mechanical device operated by

compressed air, unless the noise created thereby is effectively muffled and reduced.

8. *Building operations.* 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, and 9:00 a.m. until 4:00 p.m. Saturdays except in cases of urgent necessity in the interest of public safety and then only with a permit from the Town.
9. *Noises near schools, ~~hospitals~~, churches, etc.* The creation of any excessive noises on any street adjacent to any school, institution of learning, library, ~~sanitorium, hospital~~ or court, while the same is in session, or adjacent to any church during church services, which interferes with the work or worship in any such place or institution; provided, that signs must be displayed in such streets indicating that the same is a school, ~~hospital~~, church, library, ~~sanitorium~~ or court.
10. *Loading and unloading operations.* The creation of loud and excessive noises in connection with loading or unloading any vehicle, or repairing any vehicle, or opening and destroying bales, boxes, crates and containers.
11. *Bells or gongs.* The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of any person in the vicinity thereof.
12. *Hawking, peddling or soliciting.* Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxi drivers, solicitors and vendors, which disturbs the quiet and peace of the neighborhood, or any person in there.
13. *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise by the creation of noise.
14. *Loudspeakers or amplifiers on vehicles.* The use of any mechanical loudspeaker or amplifiers on trucks, airplanes or other vehicles for advertising or other purposes except by operating and licensed business and advertising firms during weekdays other than Sunday between the hours of 8:00 a.m. and 8:00 p.m., after first obtaining a permit from the town council. Any other person desiring to use such equipment shall before using the same first obtain a permit for such use from the town council. In the operation of such equipment not more than twenty (20) watts power shall be used.
15. *Noises at night near residences.* The operation of any place of business, restaurant, filling station, store, office, including private residences, between the hours of 11:00 p.m. and 7:00 a.m., in such manner as to create loud and disturbing noises, of such frequency or volume as to annoy or disturb any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, tourist lodging~~hotel, boardinghouse~~ or other type of residence.

(Code 1973, § 15-26; Ord. of 1-21-92; Ord. of 3-21-06; Ord. of 2-20-07(2); Ord. of 3-20-12)

SECTION 17: **AMENDMENT** “8.04.020 Violation” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.04.020 Violation

Any person who shall violate this article shall be subject to a civil citation in the amount of two hundred fifty dollars (\$250.00) for the first offense, and a class 3 misdemeanor for the second offense.

(Ord. of 8-15-00; Ord. of 3-20-12)

AFTER AMENDMENT

8.04.020 Violation

Any person who shall violate this article shall be subject to a civil ~~penalty~~~~citation~~ in the amount ~~set forth on the Town Fee Schedule~~~~of two hundred fifty dollars (\$250.00)~~ for the first offense, and a class 3 misdemeanor for the second offense.

(Ord. of 8-15-00; Ord. of 3-20-12)

SECTION 18: **AMENDMENT** “8.06.040 Enforcement” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.06.040 Enforcement

Any person violating the provisions of this article shall be subject to a civil penalty of \$50.00 for the first offense. A person violating the provisions of this article a second time shall be guilty of a misdemeanor and fined as set forth in G.S. § 14-4.

AFTER AMENDMENT

8.06.040 Enforcement

Any person violating the provisions of this article shall be subject to a civil penalty in the amount set forth on the Town Fee Schedule~~of \$50.00~~ for the first offense. A person violating the provisions of this article a second time shall be guilty of a misdemeanor and fined as set forth in G.S. § 14-4.

SECTION 19: **AMENDMENT** “8.08.010 Administration” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.010 Administration

The police department and town building inspector 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 building inspector 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 business 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.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.010 Administration

The **P**olice **D**epartment and **T**own **B**uilding **I**nspector of the **T**own shall be responsible for the administration and enforcement of this **A**rticle~~chapter~~. The **P**olice **D**epartment shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the **T**own, and on property owned by the **T**own. The **T**own **B**uilding **I**nspector shall be responsible for administering the removal and disposition of "abandoned", "nuisance" or "junked motor vehicles" located on private property. The **T**own may, on an annual basis, contract with private tow truck operators or towing business to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this **A**rticle~~chapter~~ and applicable state laws. Nothing in this **A**rticle~~chapter~~ shall be construed to limit the legal authority or powers of officers of the **T**own **P**olice **D**epartment and **F**ire **D**epartment in enforcing other laws or in otherwise carrying out their duties.

(Ord. of 6-19-90)

SECTION 20: **AMENDMENT** “8.08.020 Definitions” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.020 Definitions

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

Abandoned vehicle. As authorized and defined in G.S. § 160A-303, an abandoned motor vehicle is one that:

- A. Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- B. Is left on a public street or highway for longer than seven (7) days; or
- C. Is left on property owned or operated by the town for longer than twenty-four (24) hours; or
- D. Is left on private property without consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

Authorizing official. The supervisory employee of the police department or the town building inspector respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

Motor vehicle or vehicle. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Junked motor vehicle. As authorized and defined in G.S. § 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:

- A. Is partially dismantled or wrecked; or
- B. Cannot be self propelled or moved in the manner in which it originally was intended to move; or
- C. Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

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:

- A. A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- B. A point of heavy growth or weeds or other noxious vegetation over eight (8) inches in height; or
- C. A point of collection of pools or ponds of water; or
- D. A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
- E. One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
- F. So situated or located that there is a danger of it falling or turning over; or

- G. One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
- H. One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- I. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the town council.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.020 Definitions

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

Abandoned motor vehicle: ~~a~~As authorized and defined in G.S. § 160A-303, shall mean an

~~abandoned motor vehicle is~~ one that:

- A. Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- B. Is left on a public street or highway for longer than seven (7) days; or
- C. Is left on property owned or operated by the ~~T~~town for longer than twenty-four (24) hours; or
- D. Is left on private property without consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

Authorizing official shall mean the ~~The~~ supervisory employee of the ~~P~~police ~~D~~department or the ~~T~~town ~~B~~building ~~I~~inspector respectively, designated to authorize the removal of vehicles under the provisions of this ~~article~~chapter.

Motor vehicle or vehicle shall mean: ~~a~~All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Junked motor vehicle: ~~A~~ as authorized and defined in G.S. § 160A-303.2, shall mean the term; ~~junked motor vehicle means~~ a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- A. Is partially dismantled or wrecked; or
- B. Cannot be self propelled or moved in the manner in which it originally was intended to move; or
- C. Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

Nuisance vehicle shall mean a ~~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:

- A. A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- B. A point of heavy growth or weeds or other noxious vegetation over eight (8) inches in height; or
- C. A point of collection of pools or ponds of water; or
- D. A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
- E. One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
- F. So situated or located that there is a danger of it falling or turning over; or
- G. One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
- H. One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- I. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the **T**own **C**ouncil.

(Ord. of 6-19-90)

SECTION 21: **AMENDMENT** “8.08.030 Abandoned Vehicle Unlawful; Removal Authorized” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.030 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, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.030 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, proper authorizing officials of the **T**own may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Ord. of 6-19-90)

SECTION 22: **AMENDMENT** “8.08.040 Nuisance Vehicle Unlawful;

Removal Authorized” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.040 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 building inspector may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.040 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 **T**own **B**uilding **I**nspector may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

(Ord. of 6-19-90)

SECTION 23: AMENDMENT “8.08.050 Junked Motor Vehicle Regulated; Removal Authorized” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.050 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 (1) 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 locational requirements or the concealment requirements of this section.
- D. Subject to the provisions of subparagraph E, upon investigation, the town building inspector 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 (1) junked motor vehicle, in its entirety, can be located in the rear yard as defined by the town's zoning ordinance 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 building inspector 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 article.

- 2. More than one (1) 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 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.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.050 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 (1) junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicles must strictly comply with the location and concealment requirements of this ~~S~~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 locational requirements or the concealment requirements of this ~~S~~section.
- D. Subject to the provisions of ~~S~~subparagraph E, upon investigation, the ~~T~~own ~~B~~uilding ~~I~~nspector may order the removal of a junked motor vehicle as defined in this ~~Section~~~~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 (1) junked motor vehicle, in its entirety, can be located in the rear yard as defined by the ~~T~~own's ~~Z~~oning ~~O~~rdinance, ~~KBC 15~~, if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The ~~T~~own ~~B~~uilding ~~I~~nspector 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 ~~this Section, the preamble of this article.~~

- 2. More than one (1) 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, ~~non~~conforming use or a 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.

(Ord. of 6-19-90)

SECTION 24: AMENDMENT “8.08.060 Removal Of Abandoned, Nuisance Or Junked Motor Vehicles; Pre-Towing Notice Requirements” of the Town of Kure

Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.060 Removal Of Abandoned, Nuisance Or Junked Motor Vehicles; Pre-Towing Notice Requirements

Except as set forth in KBC 8.08.070, an abandoned, nuisance or junked vehicle which 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 town 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 (7) 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 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 council in writing, heard at the next regularly scheduled meeting of the council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.060 Removal Of Abandoned, Nuisance Or Junked Motor Vehicles; Pre-Towing Notice Requirements

Except as set forth in KBC 8.08.070, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after the authorizing official provides 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 **T**own 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 **T**own on a specified date, no sooner than seven (7) 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 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 **C**ouncil in writing, heard at the next regularly scheduled meeting of the **C**ouncil, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. of 6-19-90)

SECTION 25: AMENDMENT “8.08.070 Exceptions To Prior Notice Requirement” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.070 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 police department 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;
 - 5. Parked in bus zones; or
 - 6. Parked in violation of temporary parking restrictions imposed under code

sections.

- B. Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on town-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.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.070 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 ~~P~~police ~~D~~epartment 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;
 - 5. Parked in bus zones; or
 - 6. Parked in violation of temporary parking restrictions imposed under code sections.
- B. Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on ~~T~~own-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.

(Ord. of 6-19-90)

SECTION 26: **AMENDMENT** “8.08.080 Removal Of Vehicles; Post-

Towing Notice Requirements” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.080 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:

- A. The description of the removed vehicle;
- B. The location where the vehicle is stored;
- C. The violation with which the owner is charged, if any;
- D. The procedure the owner must follow to redeem the vehicle; and
- E. 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 subparagraphs A through E 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 town 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 subparagraphs A through E above.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.080 Removal Of Vehicles; Post-Towing Notice Requirements

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

- A. The description of the removed vehicle;
- B. The location where the vehicle is stored;
- C. The violation with which the owner is charged, if any;
- D. The procedure the owner must follow to redeem the vehicle; and
- E. The procedure the owner must follow to request a probable cause hearing on the removal;

The ~~authorizing official~~~~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~~~~subparagraphs~~ A through E 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 ~~T~~town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify ~~them~~~~him~~ of the information set forth in ~~Subsections~~ ~~subparagraphs~~ A through E above.

(Ord. of 6-19-90)

SECTION 27: AMENDMENT “8.08.090 Right To Probable Cause Hearing Before Sale Or Final Disposition Of Vehicle” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.090 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. 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. § 20-222, as amended.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.090 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 Ceounty Mmagistrate designated by the Cehief District Ceourt Judge to receive such hearing requests. The Mmagistrate 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. § 20-222, as amended.

(Ord. of 6-19-90)

SECTION 28: **AMENDMENT** “8.08.110 Sale And Disposition Of Unclaimed Vehicle” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.110 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 G.S. Article 1 of Chapter 44A.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.110 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 Ccity and in accordance with G.S. Article 1 of Chapter 44A.

(Ord. of 6-19-90)

SECTION 29: **AMENDMENT** “8.08.120 Conditions On Removal Of Vehicles From Private Property” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.120 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 building inspector. The town may require any person requesting the removal of an abandoned, 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.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.120 Conditions On Removal Of Vehicles From Private Property

As a general policy, the **T**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~~ **B**building **I**nspector. The **T**town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the **T**town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

(Ord. of 6-19-90)

SECTION 30: AMENDMENT “8.08.130 Protection Against Criminal Or Civil Liability” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.130 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.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.130 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 ~~Article~~**chapter**.

(Ord. of 6-19-90)

SECTION 31: AMENDMENT “8.08.140 Exceptions” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.140 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 G.S. § 136-143, in accordance with the "Junkyard Control Act", G.S. § 136-141, et seq.; (2) which is 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 (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. of 6-19-90)

AFTER AMENDMENT

8.08.140 Exceptions

Nothing in this ~~Chapter~~ Article shall apply to any vehicle: (1) which is located in a bona fide "automobile graveyard" or "junkyard" as defined in G.S. § 136-143, in accordance with the "Junkyard Control Act", G.S. § 136-141, et seq.; (2) which is 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 (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

(Ord. of 6-19-90)

SECTION 32: AMENDMENT “8.08.150 Unlawful Removal Of Impounded Vehicle” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.08.150 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 town 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.

(Ord. of 6-19-90)

State law reference(s)—Similar provisions, G.S. § 160A-303.

AFTER AMENDMENT

8.08.150 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 ~~T~~town any vehicle which has been impounded pursuant to the provisions of this ~~Article~~~~code~~ unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

(Ord. of 6-19-90)

State law reference(s)—Similar provisions, G.S. § 160A-303.

SECTION 33: AMENDMENT “9 ANIMAL SERVICES AND CONTROL” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9 ANIMAL SERVICES AND CONTROL

Cross reference(s)—Administration, KBC 2; buildings and building regulations, KBC 11; garbage and trash, KBC 7.18; licenses and business regulations, KBC 5; motor vehicles and traffic, KBC 10; nuisances, KBC 8; parks and recreation, KBC 13.14; police, KBC 2.14; streets, sidewalks and other public places, KBC 13; zoning, KBC 15.

State law reference(s)—Dogs, G.S. Ch. 67; livestock running at large, G.S. §§ 14-366, 68-16; municipal regulation of animals, G.S. §§ 160A-182, 160A-186 et seq.; protection of animals, G.S. Ch. 19A; animal taxes, G.S. § 160A-212; animal shelters, G.S. § 160A-493; agriculture, G.S. Ch. 106; rabies, G.S. § 130A-184 et seq.; cruelty to animals, G.S. § 14-360 et seq.

AFTER AMENDMENT

9 ANIMAL SERVICES AND CONTROL

Cross reference(s)—Administration, KBC 2; buildings and building regulations, KBC 11; garbage ~~trash and recycling~~~~and trash~~, KBC 7.18; licenses and business regulations, KBC 5; motor vehicles and traffic, KBC 10; nuisances, KBC 8; ~~parks and~~ recreation, KBC 13.14; police, KBC 2.14; streets, sidewalks and other public places, KBC 13; zoning, KBC 15.

State law reference(s)—Dogs, G.S. Ch. 67; livestock running at large, G.S. §§ 14-366, 68-16; municipal regulation of animals, G.S. §§ 160A-182, 160A-186 et seq.; protection of animals, G.S. Ch. 19A; animal taxes, G.S. § 160A-212; animal shelters, G.S. § 160A-493; agriculture, G.S. Ch. 106; rabies, G.S. § 130A-184 et seq.; cruelty to animals, G.S. § 14-360 et seq.

SECTION 34: **AMENDMENT** “9.02.010 Protection Of Birds - Town Declared Bird Sanctuary” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.02.010 Protection Of Birds - Town Declared Bird Sanctuary

The territory embraced within the corporate limits of the town is hereby declared to be a bird sanctuary.

(Code 1973, § 5-1)

State law reference(s)—Authorizing municipality to create and establish a bird sanctuary within territorial limits of municipality, G.S. § 160A-188.

AFTER AMENDMENT

9.02.010 Protection Of Birds - Town Declared Bird Sanctuary

The territory embraced within the corporate limits of the **T**town is hereby declared to be a bird sanctuary.

(Code 1973, § 5-1)

State law reference(s)—Authorizing municipality to create and establish a bird sanctuary within territorial limits of municipality, G.S. § 160A-188.

SECTION 35: **AMENDMENT** “9.02.020 Same - Killing Or; Injuring Birds” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.02.020 Same - Killing Or; Injuring Birds

It shall be unlawful for any person to hunt, kill, maim, injure or trap any birds in the town or to destroy, rob or molest the eggs or nests and breeding places of any birds within the town. This

section shall not be construed to protect any bird classified as predatory by the Wildlife Resources Commission or by the General Statutes of North Carolina or to protect pigeons, crows, starlings or English sparrows.

(Code 1973, § 5-2)

State law reference(s)—Hunting, killing or trapping birds in municipality which has created and established a bird sanctuary prohibited, G.S. § 16A-188.

AFTER AMENDMENT

9.02.020 ~~Same-~~ Killing Or; Injuring Birds

It shall be unlawful for any person to hunt, kill, maim, injure or trap any birds in the ~~T~~town or to destroy, rob or molest the eggs or nests and breeding places of any birds within the ~~T~~town. This ~~S~~section shall not be construed to protect any bird classified as predatory by the Wildlife Resources Commission or by the General Statutes of North Carolina or to protect pigeons, crows, starlings or English sparrows.

(Code 1973, § 5-2)

State law reference(s)—Hunting, killing or trapping birds in municipality which has created and established a bird sanctuary prohibited, G.S. § 16A-188.

SECTION 36: **AMENDMENT** “9.02.030 Destruction Of Animals With Incurable Ailment” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.02.030 Destruction Of Animals With Incurable Ailment

Any domestic or wild animal found on the streets of the town or in any public place or in any yard or property within the town suffering from some disease, injury or other ailment the owner of which is unknown or any animal abandoned by its owner and the veterinarian employed by the town is of the opinion that the disease, injury or ailment is incurable and such animal is suffering from the effects thereof shall be destroyed and the remains removed.

(Code 1973, § 5-3)

AFTER AMENDMENT

9.02.030 Destruction Of Animals With Incurable Ailment

Any domestic or wild animal found on the streets of the **T**own or in any public place or in any yard or property within the **T**own suffering from some disease, injury or other ailment the owner of which is unknown or any animal abandoned by its owner and the veterinarian employed by the **T**own is of the opinion that the disease, injury or ailment is incurable and such animal is suffering from the effects thereof shall be destroyed and the remains removed.

(Code 1973, § 5-3)

SECTION 37: **AMENDMENT** “9.02.040 Certain Domestic Fowl Prohibited From Running At Large” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.02.040 Certain Domestic Fowl Prohibited From Running At Large

It shall be unlawful for the owner or keeper of any chicken or tame or domestic fowl of whatever description to permit such chicken or fowl to be or run at large within the town.

(Code 1973, § 5-4)

State law reference(s)—Regulation of domestic animals authorized, G.S. § 160A-186.

AFTER AMENDMENT

9.02.040 Certain Domestic Fowl Prohibited From Running At Large

It shall be unlawful for the owner or keeper of any chicken or tame or domestic fowl of whatever description to permit such chicken or fowl to be or run at large within the **T**own.

(Code 1973, § 5-4)

State law reference(s)—Regulation of domestic animals authorized, G.S. § 160A-186.

SECTION 38: **AMENDMENT** “9.04.020 Animal Defecation” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.04.020 Animal Defecation

A. It shall be unlawful for the owner or custodian of any animal or dog to take it off its

own property limits without the means of disposal which are defined as a plastic "baggy", rubber glove, plastic shopping or garbage bag or manufactured device designed for removal of pet waste, to properly remove and dispose of their animal's feces immediately from any public street, alley, sidewalk, park, beach strand, or any other public grounds or any private property within the town limits of Kure Beach.

- B. An owner or person having custody of any dog or other animal shall not permit said dog or any other animal to defecate on any public street, alley, sidewalk, park, beach strand or any other public grounds or any private property within the town, other than, the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately.

(Ord. of 10-15-02)

AFTER AMENDMENT

9.04.020 Animal Defecation

- A. It shall be unlawful for the owner or custodian of any animal or dog to take it off its own property limits without the means of disposal which are defined as a plastic "baggy", rubber glove, plastic shopping or garbage bag or manufactured device designed for removal of pet waste, to properly remove and dispose of their animal's feces immediately from any public street, alley, sidewalk, park, beach strand, or any other public grounds or any private property within the Town limits ~~of Kure Beach~~.
- B. An owner or person having custody of any dog or other animal shall not permit said dog or any other animal to defecate on any public street, alley, sidewalk, park, beach strand or any other public grounds or any private property within the Town, other than, the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately.

(Ord. of 10-15-02)

SECTION 39: AMENDMENT "9.04.040 Enforcement" of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.04.040 Enforcement

That the enforcement of animal and fowl ordinances of New Hanover County § 3-22 are hereby adopted as the ordinances of the Town of Kure Beach and the enforcement of these provisions shall be carried out by the New Hanover County Animal Control.

(Ord. of 1-17-95)

AFTER AMENDMENT

9.04.040 Enforcement

That the enforcement of animal and fowl ordinances of New Hanover County § 3-22 are hereby adopted as the ordinances of the Town ~~of Kure Beach~~ and the enforcement of these provisions shall be carried out by the New Hanover County Animal Control.

(Ord. of 1-17-95)

SECTION 40: AMENDMENT “9.04.050 Penalty” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.04.050 Penalty

Any person violating the provisions of this article shall be subject to a civil penalty in the amount of \$100.00 for the first offense. person violating the provisions of this article a second time shall be guilty of a class 3 misdemeanor and fined \$100.00.

(Ord. of 10-27-98; Ord. of 7-20-99; Ord. of 8-15-00; Ord. of 5-19-09)

AFTER AMENDMENT

9.04.050 Penalty

Any person violating the provisions of this article shall be subject to a civil penalty in the amount set forth on the Town Fee Schedule ~~of \$100.00~~ for the first offense. A person violating the provisions of this article a second time shall be guilty of a class 3 misdemeanor and fined \$100.00.

(Ord. of 10-27-98; Ord. of 7-20-99; Ord. of 8-15-00; Ord. of 5-19-09)

SECTION 41: AMENDMENT “9.06.010 Purpose” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.010 Purpose

To establish standards for exotic animals and for the keeping of livestock within the town's jurisdictional limits.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.010 Purpose

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

(Ord. of 5-16-17(1))

SECTION 42: AMENDMENT “9.06.015 Definitions” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.015 Definitions

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

Exotic Animal. An animal that: i) is typically found in a non-domesticated state and that, because of its size, vicious propensity, toxicity, or otherwise, reasonably poses a potential danger to persons, property, or other animals; ii) is classified as a wild animal by the North Carolina Wildlife Commission; or iii) is deemed to be an endangered or protected species under any federal, state, or local statute, regulation, ordinance, policy, or program. Exotic animals shall include, without limitation, apes, bears, monkeys, raccoons, wild cats, wolves, venomous reptiles, and venomous amphibians.

Livestock. Poultry (ducks, geese, turkeys, roosters), horses, mules, cows, pigs, goats, sheep, rabbits, and all other animals which are generally kept primarily for productive or useful purposes rather than as pets; provided that, however, chickens shall not constitute livestock as defined herein.

Livestock Enclosure. a space enclosed on all sides and overhead by wire, metal bars, wood, or a combination thereof, designed to hold and shelter livestock and prevent them from running free. While the specific type and design of an enclosure will vary depending on the animal species being confined and the materials used, common examples of livestock enclosures include: hutches; coops; yards; kennels; and pens. All livestock enclosures shall be designed and used in such a manner so as to prevent the occurrence of a related public nuisance, ensure the humane care and handling of livestock, and provide a favorable environment for animal growth.

AFTER AMENDMENT

9.06.015 Definitions

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

Exotic Animal shall mean an animal that:

- A. ~~Is~~An typically found in a non-domesticated state and that, because of its size, vicious propensity, toxicity, or otherwise, reasonably poses a potential danger to persons, property, or other animals; ~~ii)~~
- B. iIs classified as a wild animal by the North Carolina Wildlife Commission; or
- C. ~~iii)~~Is deemed to be an endangered or protected species under any federal, state, or local statute, regulation, ordinance, policy, or program. Exotic animals shall include, without limitation, apes, bears, monkeys, raccoons, wild cats, wolves, venomous reptiles, and venomous amphibians.

Livestock shall mean: ~~p~~Poultry (ducks, geese, turkeys, roosters), horses, mules, cows, pigs, goats, sheep, rabbits, and all other animals which are generally kept primarily for productive or useful purposes rather than as pets; provided that, however, chickens shall not constitute livestock as defined herein.

Livestock Enclosure shall mean a-~~a~~ space enclosed on all sides and overhead by wire, metal bars, wood, or a combination thereof, designed to hold and shelter livestock and prevent them from running free. While the specific type and design of an enclosure will vary depending on the animal species being confined and the materials used, common examples of livestock enclosures include: hutches; coops; yards; kennels; and pens. All livestock enclosures shall be designed and used in such a manner so as to prevent the occurrence of a related public nuisance, ensure the humane care and handling of livestock, and provide a favorable environment for animal growth.

SECTION 43: AMENDMENT “9.06.030 Exotic Animals” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.030 Exotic Animals

No person or entity may keep an exotic animal within the town's jurisdictional limits.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.030 Exotic Animals

No person or entity may keep an exotic animal within the ~~T~~town's jurisdictional limits.

(Ord. of 5-16-17(1))

SECTION 44: AMENDMENT “9.06.040 Running At Large” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.040 Running At Large

It shall be unlawful for the owner or keeper of any livestock to permit the livestock to be or run at large within the town's jurisdictional limits. All permitted livestock shall be kept in livestock enclosures and no livestock enclosure shall be erected or maintained within the front or side yard.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.040 Running At Large

It shall be unlawful for the owner or keeper of any livestock to permit the livestock to be or run at large within the ~~T~~town's jurisdictional limits. All permitted livestock shall be kept in livestock enclosures and no livestock enclosure shall be erected or maintained within the front or side yard.

(Ord. of 5-16-17(1))

SECTION 45: AMENDMENT “9.06.020 Interlocal Agreements” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.020 Interlocal Agreements

Any applicable interlocal agreements made and entered into by the town shall take precedence over the provisions contained within this article.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.020 Interlocal Agreements

Any applicable interlocal agreements made and entered into by the **T**own shall take precedence over the provisions contained within this **A**rticle.

(Ord. of 5-16-17(1))

SECTION 46: AMENDMENT “9.06.050 Permits” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.050 Permits

- A. *Permit required.* Keeping livestock within the town's jurisdictional limits shall be allowed in accordance with the following:
1. A permit obtained from the building inspector in conformity with the provisions of this article;
 2. Compliance with the provisions of any applicable federal, state or local statute, regulation, ordinance, rule, policy, program or inter-local agreement including, in particular, provisions regulating animal cruelty and the prevention and abatement of public nuisances; and
 3. No permit shall be issued until the appropriate application has been filed with the building inspector.
- B. No permit may be issued for any livestock unless the applicant shall demonstrate that the livestock will be kept on a property complying with the standards set forth in Table 4.1 and that the locations and sizes of livestock enclosures shall be depicted on a site plan to be included with the permit application; provided that, however, the building inspector is authorized to:
1. Accept, review, and issue permits for livestock animal types not enumerated in Table 4.1 which could be reasonably kept within the Town's jurisdictional limits; and
 2. In the event such a permit is issued, set forth therein the maximum number of and the minimal enclosure size for the permitted livestock.
- C. Waste generated from the keeping of livestock (manure, etc.) must be properly managed so as not to create a public nuisance (e.g. noise, odor complaints) and properly handled so as not to result in surface water or groundwater degradation. An owner or keeper of livestock must strictly comply with all federal, state, and local statutes, regulations, ordinances, and rules governing waste management, pollution prevention and abatement, and public health and safety.

- D. Subject to the provisions of G.S. § 106-701, the requirements of this section apply to exotic animals and livestock present within the town's jurisdictional limits on the effective date of these provisions as well as livestock brought into the town thereafter; provided that, however, owners of exotic animals or livestock within the town on the effective date of these provisions shall not be deemed in violation of this section until thirty (30) days after the effective date and have either failed to apply for the required permit during that time or upon application, have been denied a permit and failed to remove the livestock or exotic animals within thirty (30) days after the denial.
- E. A permit issued in accordance with this section may be revoked by the building inspector for any violation of this article or for any reason justifying denial of an application as set forth herein. If a permit is revoked, the applicant shall be given a written explanation of the reasons for the revocation. Upon the determination of a violation, the building inspector shall notify the owner or keeper of livestock or an exotic animal of the violation in writing with instructions to remedy the violation, which may include a specified time frame to bring the property or condition into compliance, or remove the livestock/exotic animals from the premises.

TABLE 4.1 PERMITTED LIVESTOCK

Animal Type	Maximum Number	Minimal Enclosure Size per Animal (sq. ft.)
Cow	0	NA
Goat	0	NA
Horse	0	NA
Duck	4	327
Turkey	0	NA
Rabbit	6	109
Sheep	0	NA
Swine	0	NA

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.050 Permits

- A. *Permit required.* Keeping livestock within the **T**own's jurisdictional limits shall be allowed in accordance with the following:
1. A permit obtained from the **B**uilding **I**nspector in conformity with the provisions of this **A**rticle;
 2. Compliance with the provisions of any applicable federal, state or local statute, regulation, ordinance, rule, policy, program or inter-local agreement including,

in particular, provisions regulating animal cruelty and the prevention and abatement of public nuisances; and

3. No permit shall be issued until the appropriate application has been filed with the **B**uilding **I**nspector.
- B. No permit may be issued for any livestock unless the applicant shall demonstrate that the livestock will be kept on a property complying with the standards set forth in Table 4.1 and that the locations and sizes of livestock enclosures shall be depicted on a site plan to be included with the permit application; provided that, however, the **B**uilding **I**nspector is authorized to:
1. Accept, review, and issue permits for livestock animal types not enumerated in Table 4.1 which could be reasonably kept within the Town's jurisdictional limits; and
 2. In the event such a permit is issued, set forth therein the maximum number of and the minimal enclosure size for the permitted livestock.
- C. Waste generated from the keeping of livestock (manure, etc.) must be properly managed so as not to create a public nuisance (e.g. noise, odor complaints) and properly handled so as not to result in surface water or groundwater degradation. An owner or keeper of livestock must strictly comply with all federal, state, and local statutes, regulations, ordinances, and rules governing waste management, pollution prevention and abatement, and public health and safety.
- D. Subject to the provisions of G.S. § 106-701, the requirements of this **S**ection apply to **all** exotic animals and livestock present within the **T**own's jurisdictional limits, ~~on the effective date of these provisions as well as livestock brought into the town thereafter; provided that, however, owners of exotic animals or livestock within the town on the effective date of these provisions shall not be deemed in violation of this section until thirty (30) days after the effective date and have either failed to apply for the required permit during that time or upon application, have been denied a permit and failed to remove the livestock or exotic animals within thirty (30) days after the denial.~~
- E. A permit issued in accordance with this **S**ection may be revoked by the **B**uilding **I**nspector for any violation of this **A**rticle or for any reason justifying denial of an application as set forth herein. If a permit is revoked, the applicant shall be given a

written explanation of the reasons for the revocation. Upon the determination of a violation, the **B**uilding **I**nspector shall notify the owner or keeper of livestock or an exotic animal of the violation in writing with instructions to remedy the violation, which may include a specified time frame to bring the property or condition into compliance, or remove the livestock/exotic animals from the premises.

TABLE 4.1 PERMITTED LIVESTOCK

Animal Type	Maximum Number	Minimal Enclosure Size per Animal (sq. ft.)
Cow	0	NA
Goat	0	NA
Horse	0	NA

Duck	4	327
Turkey	0	NA
Rabbit	6	109
Sheep	0	NA
Swine	0	NA

(Ord. of 5-16-17(1))

SECTION 47: AMENDMENT “9.06.060 Application Denial Procedure” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.060 Application Denial Procedure

- A. The building inspector shall deny, within ten (10) business days after receipt of an application, any application that is incomplete or inaccurate, contains false material statements or omissions, or includes elements in violation of any standard herein. An application denied for one (1) or more of the reasons set forth herein shall be returned to the applicant, along with a written notice setting forth the reasons why the application was denied.
- B. The building inspector shall process all complete and accurate livestock permit applications within ten (10) business days of the town's receipt of the same. The building inspector shall provide written notice to the applicant of his/her decision provided that an application meeting the standards of this article shall be granted and a permit issued.
- C. An application that has been denied and later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission and shall comply with all applicable provisions for original applications.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.060 Application Denial Procedure

- A. The **B**uilding **I**nspector shall deny, within ten (10) business days after receipt of an application, any application that is incomplete or inaccurate, contains false material statements or omissions, or includes elements in violation of any standard herein. An application denied for one (1) or more of the reasons set forth herein shall be returned to the applicant, along with a written notice setting forth the reasons why the application was denied.

- B. The **B**uilding **I**nspector shall process all complete and accurate livestock permit applications within ten (10) business days of the **T**own's receipt of the same. The building inspector shall provide written notice to the applicant of **the**his/her decision provided that an application meeting the standards of this **A**rticle shall be granted and a permit issued.
- C. An application that has been denied and later resubmitted in conformity with this **A**rticle shall be deemed to have been submitted on the date of resubmission and shall comply with all applicable provisions for original applications.

(Ord. of 5-16-17(1))

SECTION 48: AMENDMENT “9.06.070 Permit Revocation” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.070 Permit Revocation

- A. Following a determination that a permit was issued under an application containing a false material statement or omission, the Building Inspector shall revoke said permit and the subject livestock shall be removed within thirty (30) days after the revocation. The permittee shall be notified in writing of the revocation and the notice shall state the grounds upon which the revocation is based.
- B. The violation of any provision of this article shall be sufficient grounds upon which to revoke a permit.
- C. Revoking a permit does not in any way preclude or limit the town from taking any action provided by the Code or any other applicable legal authority to enforce, remedy, or abate the any underlying violation of this article.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.070 Permit Revocation

- A. Following a determination that a permit was issued under an application containing a false material statement or omission, the Building Inspector shall revoke said permit and the subject livestock shall be removed within thirty (30) days after the revocation. The permittee shall be notified in writing of the revocation and the notice shall state the grounds upon which the revocation is based.
- B. The violation of any provision of this **A**rticle shall be sufficient grounds upon which to revoke a permit.
- C. Revoking a permit does not in any way preclude or limit the town from taking any action provided by the **KBC**Code or any other applicable legal authority to enforce, remedy, or abate the any underlying violation of this **A**rticle.

(Ord. of 5-16-17(1))

SECTION 49: **AMENDMENT** “9.06.080 Appeal Of Permit Denial Or Revocation” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.080 Appeal Of Permit Denial Or Revocation

The denial of a livestock permit application or the revocation of a livestock permit may be reviewed in accordance with the provisions for administrative hearings as set forth in KBC 1.08.020 subparagraph F.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.080 Appeal Of Permit Denial Or Revocation

The denial of a livestock permit application or the revocation of a livestock permit may be reviewed in accordance with the provisions for administrative hearings as set forth in KBC 1.08.020-~~subparagraph F~~.

(Ord. of 5-16-17(1))

SECTION 50: **AMENDMENT** “9.06.090 Persons/Entities Liable” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.090 Persons/Entities Liable

The owner, tenant, or occupant of any structure or property, or part thereof, and/or the authorized agents or representative(s) of the same, who create(s), maintain(s), or allow(s) for the existence of any situation constituting a violation of this article may be held jointly or severally liable for the violation and be subjected to the enforcement remedies and penalties set forth herein.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.090 Persons/Entities Liable

The owner, tenant, or occupant of any structure or property, or part thereof, and/or the authorized agents or representative(s) of the same, who create(s), maintain(s), or allow(s) for the existence of any situation constituting a violation of this Article may be held jointly or severally liable for the violation and be subjected to the enforcement remedies and penalties set forth herein.

(Ord. of 5-16-17(1))

SECTION 51: AMENDMENT “9.06.100 Violations, Enforcement And Penalties” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.06.100 Violations, Enforcement And Penalties

- A. The following, without limitation, shall constitute violations of this article:
 - 1. The keeping of livestock or exotic animals in violation of the standards set forth herein; and
 - 2. The keeping of livestock without first obtaining a permit from the town.
- B. Enforcement.
 - 1. Violations of this article shall be enforced in accordance with the provisions of KBC 1.08.010 and KBC 1.08.020.
 - 2. In addition, violations of this article shall be deemed to constitute a public nuisance such that the provisions of KBC 8.02 , shall be fully applicable.

(Ord. of 5-16-17(1))

AFTER AMENDMENT

9.06.100 Violations, Enforcement And Penalties

- A. The following, without limitation, shall constitute violations of this Article:
 - 1. The keeping of livestock or exotic animals in violation of the standards set forth herein; and
 - 2. The keeping of livestock without first obtaining a permit from the Town.
- B. Enforcement.

Violations of this Article shall be deemed to constitute a public nuisance such that the enforcement provisions of KBC 8.02 shall apply.

~~A. Violations of this article shall be enforced in accordance with the provisions of KBC 1.08.010 and KBC 1.08.020. In addition, violations of this article shall be deemed to constitute a public nuisance such that the provisions of KBC 8.02 , shall be fully applicable.~~

(Ord. of 5-16-17(1))

SECTION 52: **AMENDMENT** “10 MOTOR VEHICLES AND TRAFFIC” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10 MOTOR VEHICLES AND TRAFFIC

Cross reference(s)—Animals, KBC 9; buildings and building regulations, KBC 11; requirements for moving buildings, KBC 11.16.010; fire protection and prevention, KBC 2.12; garbage and trash, KBC 7.18; miscellaneous offenses, KBC 6.02; obstructing hydrants prohibited, KBC 8.06.020; certain noises prohibited, KBC 8.04.010; parks and recreation, KBC 13.14; police, KBC 2.14; streets, sidewalks and other public places, KBC 13; subdivisions, KBC 14; vehicles for hire, KBC 10.14 and KBC 10.16; zoning, KBC 159; taxicab operators license required, KBC 10.16.020 Part A; taxicab drivers permit required, KBC 10.16.030 Part A.

State law reference(s)—Motor vehicles and traffic generally, G.S. Ch. 20; authority of city relative to traffic, G.S. § 20-169; streets, traffic and parking, G.S. § 160A-296 et seq.

AFTER AMENDMENT

10 MOTOR VEHICLES AND TRAFFIC

Cross reference(s)—Animals, KBC 9; buildings and building regulations, KBC 11; requirements for moving buildings, KBC 11.16.010; fire protection and prevention, KBC 2.12; garbage, ~~trash and recycling, and trash~~, KBC 7.18; miscellaneous offenses, KBC 6.02; obstructing hydrants ~~prohibited~~, KBC 8.06.020; certain noises prohibited, KBC 8.04.010; ~~parks and~~ recreation, KBC 13.14; police, KBC 2.14; streets, sidewalks and other public places, KBC 13; subdivisions, KBC 14; ~~rental~~ vehicles ~~for hire~~, KBC 10.14; ~~taxicabs, and~~ KBC 10.16; zoning, KBC 159; licenses and business regulations, KBC 5; motor vehicles and traffic, KBC 10; taxicab operators license required, KBC 10.16.020 ~~Subsection~~Part A; taxicab drivers permit required, KBC 10.16.030 ~~Subsection~~Part A.

State law reference(s)—Motor vehicles and traffic generally, G.S. Ch. 20; authority of city relative to traffic, G.S. § 20-169; streets, traffic and parking, G.S. § 160A-296 et seq.

SECTION 53: **AMENDMENT** “10.02.010 Definitions” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.02.010 Definitions

The words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by G.S. § 20-4.01, except in those instances where otherwise specifically provided or where the context clearly indicates a different meaning.

(Code 1973, § 14-2)

Cross reference(s)—Definitions and rules of construction generally, KBC 1.04.010.

AFTER AMENDMENT

10.02.010 Definitions

The words and phrases when used in this Chapter shall, for the purposes of this Chapter, have the meanings respectively ascribed to them by G.S. § 20-4.01, except in those instances where otherwise specifically provided or where the context clearly indicates a different meaning.

(Code 1973, § 14-2)

~~**Cross reference(s)**—Definitions and rules of construction generally, KBC 1.04.010.~~

SECTION 54: **AMENDMENT** “10.02.020 Compliance With Chapter” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.02.020 Compliance With Chapter

It shall be unlawful for any person to do any act forbidden in this chapter, or fail to perform any act required in this chapter.

(Code 1973, § 14-2)

AFTER AMENDMENT

10.02.020 Compliance With Chapter

It shall be unlawful for any person to do any act forbidden in this Chapter, or fail to perform any act required in this chapter.

(Code 1973, § 14-2)

SECTION 55: **AMENDMENT** “10.04.010 Intersections At Which Automatic Signaling Devices Are Installed - Enumeration” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.04.010 Intersections At Which Automatic Signaling Devices Are Installed - Enumeration

Automatic signaling devices shall be installed at the intersections of Fort Fisher Boulevard (U.S. 421) and "K" Avenue.

(Code 1973, § 14-20)

Cross reference(s)—Streets, sidewalks and other public places, KBC 13.

AFTER AMENDMENT

10.04.010 Intersections At Which Automatic Signaling Devices Are Installed - Enumeration

Automatic signaling devices shall be installed at the intersections of Fort Fisher Boulevard (U.S. 421) and "K" Avenue.

(Code 1973, § 14-20)

~~**Cross reference(s)**—Streets, sidewalks and other public places, KBC 13.~~

SECTION 56: **AMENDMENT** “10.04.040 Signs As Prerequisite To Enforcement” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.04.040 Signs As Prerequisite To Enforcement

No provisions of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever it is not stated that signs are required with reference to a particular section, such section shall be effective without signs being placed to give notice thereof.

(Code 1973, § 14-29)

AFTER AMENDMENT

10.04.040 Signs As Prerequisite To Enforcement

No provisions of this Chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person. Whenever it is not stated that signs are required with reference to a particular Section, such Section shall be effective without signs being placed to give notice thereof.

(Code 1973, § 14-29)

SECTION 57: AMENDMENT “10.06.010 Generally” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.010 Generally

- A. *Boarding, Etc, Vehicle In Motion Prohibited.* It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion. (Code 1973, § 14-10)
- B. *Riding On Vehicle Or Portion Of Vehicle Not Intended For Passengers.* It shall be unlawful for any person to ride on any vehicle or any portion of a vehicle not designed or intended for the use of passengers. This provision shall not be construed to apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise. (Code 1973, § 14-11)
- C. *Entering, Etc, Vehicle Without Consent.* It shall be unlawful for any person to enter, jump on or ride any vehicle without the consent of the owner or driver. (Code 1973, § 14-12)
- D. *Riding, Driving, Etc, Animals Within The Town.* It shall be unlawful for any person to ride, lead or drive or cause to be ridden, led or driven, any horse or other animal, except a dog, upon any curb, sidewalk, beach strand or footway in the town, except for the purpose of crossing such sidewalk of the entranceway to adjacent lots, and then only for the purpose of going into or out of such lots. (Code 1973, § 14-16; Ord. of 7-20-99)
- E. *Clinging To Moving Vehicle.*
 - 1. It shall be unlawful for any person to cling to, or hang onto, any moving vehicle.
 - 2. It shall be unlawful for any person riding upon any bicycle, motorcycle, coaster, sled, rollerskates or any toy vehicle to attach such bicycle, motorcycle, coaster, sled, rollerskates or toy vehicle, or himself, to any moving vehicle upon any roadway.

(Code 1973, § 14-17)

- F. *Obstruction Of View Of Approaching Traffic At Intersection.* It shall be unlawful for

any person, by signs, trees, shrubbery or structure within twenty-five (25) feet of the intersection of curblines, to obstruct the view of approaching traffic at any intersection. (Code 1973, § 14-18)

G. *Soliciting Transportation In Vehicle Of Another From Certain Portions Of Streets.* It shall be unlawful for any person to invite, solicit or seek a ride, or transportation, in the vehicle of another person while such person seeking such ride, or transportation, is walking or standing in any part of a public street in the town between curbs, or in the portions of any of the public streets set apart for use by vehicular traffic, or for such person to walk or stand on any of the center plazas in the public streets of the town while soliciting, or seeking, a ride or transportation in a vehicle of another person. Any person violating this subparagraph or any part hereof shall be subject to a penalty of ten dollars (\$10.00) for each offense or violation. (Code 1973, § 14-19) **State law reference(s)**—Similar provisions, G.S. § 20-175.

H. *Vehicles Prohibited In Certain Areas; Exceptions*

1. It shall be unlawful for any person to drive or propel along and over any sidewalk situated in the town or upon and along the strand or beach front of the Atlantic Ocean or upon any area designated as a public park or playground any automobile or other motor propelled vehicle.
2. Handicapped vehicles less than five hundred (500) pounds clearly licensed by the state and approved by the chief of police by licensing the vehicle after first making application and being approved as a handicapped necessity for ingress and egress to the strand are exempt from this subparagraph.
3. Violation. Any person who shall violate this subparagraph shall be subject to a civil citation in the amount of fifty dollars (\$50.00) for the first offense; second offense, shall subject the offender to a misdemeanor charge as by law prescribed.

(Ord. of 7-8-58, § 1; Ord. of 7-8-85; Ord. of 8-15-00)

AFTER AMENDMENT

10.06.010 Generally

- A. *Boarding, Etc, Vehicle In Motion Prohibited.* It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion. (Code 1973, § 14-10)
- B. *Riding On Vehicle Or Portion Of Vehicle Not Intended For Passengers.* It shall be unlawful for any person to ride on any vehicle or any portion of a vehicle not designed or intended for the use of passengers. This provision shall not be construed to apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise. (Code 1973, § 14-11)
- C. *Entering, Etc, Vehicle Without Consent.* It shall be unlawful for any person to enter, jump on or ride any vehicle without the consent of the owner or driver. (Code 1973, § 14-12)
- D. *Riding, Driving, Etc, Animals Within The Town.* It shall be unlawful for any person to ride, lead or drive or cause to be ridden, led or driven, any horse or other animal, except a dog, upon any curb, sidewalk, beach strand or footway in the **T**own, except

for the purpose of crossing such sidewalk of the entranceway to adjacent lots, and then only for the purpose of going into or out of such lots. (Code 1973, § 14-16; Ord. of 7-20-99)

E. *Clinging To Moving Vehicle.*

1. It shall be unlawful for any person to cling to, or hang onto, any moving vehicle.
2. It shall be unlawful for any person riding upon any bicycle, motorized bicycle, motorcycle, coaster, sled, rollerskates or any toy vehicle to attach such bicycle, motorized bicycle, motorcycle, coaster, sled, rollerskates or toy vehicle, or onehimself, to any moving vehicle upon any roadway.

(Code 1973, § 14-17)

F. *Obstruction Of View Of Approaching Traffic At Intersection.* It shall be unlawful for any person, by signs, trees, shrubbery or structure within twenty-five (25) feet of the intersection of curblines, to obstruct the view of approaching traffic at any intersection. (Code 1973, § 14-18)

G. *Soliciting Transportation In Vehicle Of Another From Certain Portions Of Streets.* It shall be unlawful for any person to invite, solicit or seek a ride, or transportation, in the vehicle of another person while such person seeking such ride, or transportation, is walking or standing in any part of a public street in the town between curbs, or in the portions of any of the public streets set apart for use by vehicular traffic, or for such person to walk or stand on any of the center plazas in the public streets of the Town while soliciting, or seeking, a ride or transportation in a vehicle of another person. Any person violating this subsection ~~paragraph or any part hereof~~ shall be subject to a civil penalty as set forth on the Town Fee Schedule ~~of ten dollars (\$10.00) for each offense or violation.~~ (Code 1973, § 14-19)

State law reference(s)—Similar provisions, G.S. § 20-175.

A. *Vehicles Prohibited In Certain Areas; Exceptions*

1. It shall be unlawful for any person to drive or propel along and over any sidewalk situated in the Town or upon and along the strand or beach front of the Atlantic Ocean or upon any area designated as a public park or playground any automobile or other motor propelled vehicle. This Subsection shall not apply to Lifeguard and Emergency Vehicles.
2. Handicapped vehicles less than five hundred (500) pounds clearly licensed by the state and approved by the Chief of Police by licensing the vehicle after first making application and being approved as a handicapped necessity for ingress and egress to the strand are exempt from this Subsection ~~subparagraph~~.
3. Violation. Any person who shall violate this Subsection ~~subparagraph~~ shall be subject to a civil penalty ~~citation~~ in the amount set forth on the Town Fee Schedule ~~of fifty dollars (\$50.00)~~ for the first offense; a second offense, shall subject the offender to a misdemeanor charge as by law prescribed.

(Ord. of 7-8-58, § 1; Ord. of 7-8-85; Ord. of 8-15-00)

SECTION 58: **AMENDMENT** “10.06.020 Speed Limits” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.020 Speed Limits

A. Speed Restrictions

1. No person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions then existing.
2. Where no special hazard exists the speed limits in this section shall be lawful, but any speed in excess of these limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

B. Speed Limits. All streets shall have a speed limit of twenty-five (25) miles per hour excepting therefrom the following streets or portions thereof:

1. Ten (10) miles per hour on Atlantic Avenue in its entirety.
2. Ten (10) miles per hour on K Ave. from Fort Fisher Blvd. to Atlantic Ave.
3. Thirty-five (35) miles per hour on Fort Fisher Blvd. South (U.S. 421) from H. Ave. to Southern town limits.
4. Thirty-five (35) miles per hour on K Ave. (SR 1573) from 5th Street to town limits West.

(Ord. of 9-21-82, § 1; Ord. of 8-21-01; Ord. of 1-22-18(1))

State law reference(s)—Speed restrictions, G.S. § 20-141.

C. Speed Bumps. In order to limit the speed of vehicles upon the streets of the Town of Kure Beach, not a part of the state highway system, the following speed bumps are hereby authorized to be placed upon the following streets:

1. Three (3) speed bumps are to be placed between L. Avenue and M. Avenue on Atlantic Avenue.
2. Three (3) speed bumps are to be placed between M. Avenue and N. Avenue on Atlantic Avenue.
3. Three (3) speeds bumps are to be placed on Davis Road.

(Ord. of 12-13-94; Ord. of 8-15-00)

State law reference(s)—Speed limits, G.S. § 20-141.

AFTER AMENDMENT

10.06.020 Speed Limits

A. Speed Restrictions

1. No person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions then existing.
2. Where no special hazard exists the speed limits in this **S**ection shall be lawful,

but any speed in excess of these limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

- B. *Speed Limits.* All streets shall have a speed limit of twenty-five (25) miles per hour excepting therefrom the following streets or portions thereof:
1. Ten (10) miles per hour on Atlantic Avenue in its entirety.
 2. Ten (10) miles per hour on K Ave. from Fort Fisher Blvd. to Atlantic Ave.
 3. Thirty-five (35) miles per hour on Fort Fisher Blvd. South (U.S. 421) from H. Ave. to Southern town limits.
 4. Thirty-five (35) miles per hour on K Ave. (SR 1573) from 5th Street to ~~T~~town limits West.

(Ord. of 9-21-82, § 1; Ord. of 8-21-01; Ord. of 1-22-18(1))

State law reference(s)—Speed restrictions, G.S. § 20-141.

- ~~C. *Speed Bumps.* In order to limit the speed of vehicles upon the streets of the Town of Kure Beach, not a part of the state highway system, the following speed bumps are hereby authorized to be placed upon the following streets:
Three (3) speed bumps are to be placed between L. Avenue and M. Avenue on Atlantic Avenue. Three (3) speed bumps are to be placed between M. Avenue and N. Avenue on Atlantic Avenue. Three (3) speeds bumps are to be placed on Davis Road.
(Ord. of 12-13-94; Ord. of 8-15-00)~~

State law reference(s)—Speed limits, G.S. § 20-141.

SECTION 59: **AMENDMENT** “10.06.030 Rules Of The Road” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.030 Rules Of The Road

- A. *Driving Through Funeral Procession.* When any funeral procession is passing along any street in the town with vehicles in operation with lights burning, it shall be unlawful for any person driving any other vehicle to pass, break through or cross such funeral procession by crossing any street along which such procession is at the time passing. The provisions of this subparagraph shall not apply to emergency operation of vehicles of the town police and fire departments or to ambulances. (Code 1973, § 14-46)
- B. *Cutting Corner At Intersection.* It shall be unlawful for any person operating any vehicle to enter any cross street or intersecting street by cutting corners and driving and operating such vehicle over and upon private property for the purpose of entering such cross street or intersecting street, or entering such cross street or intersecting street in any manner other than driving or operating such vehicle by or around the curb or over and upon the public streets, without first coming to a complete stop. (Code 1973, § 14-47)

C. *Blocking Intersections*

1. It shall be unlawful for a driver to enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians notwithstanding any traffic-control signal indicating to proceed.
2. The chief of police is hereby authorized and directed to cause to be erected suitable signs and markers at intersections to notify the public of such restrictions.

(Code 1973, § 14-50)

D. *Erection Of Directional Traffic Signs And Markers And Designation Of Lanes At Intersections - Authority Of Chief Of Police.* To govern turning movements of vehicles at intersections the chief of police may cause directional traffic signs and markers to be erected and installed at and near street intersections and may designate on the ground traffic lanes for use by vehicle. (Code 1973, § 14-63)

E. *Same - Compliance.* When directional traffic signs and markers have been erected and installed and traffic lanes have been designated on the ground, pursuant to subparagraph D, at an intersection. It shall be unlawful for any driver of any vehicle approaching such intersection to fail to comply therewith to fail to turn in the manner directed or to fail to use the traffic lanes as designated. (Code 1973, § 14-64)

State law reference(s)—Similar provisions, G.S. § 20-138.1 et seq.

AFTER AMENDMENT

10.06.030 Rules Of The Road

A. *Driving Through Funeral Procession.* When any funeral procession is passing along any street in the town with vehicles in operation with lights burning, it shall be unlawful for any person driving any other vehicle to pass, break through or cross such funeral procession by crossing any street along which such procession is at the time passing. The provisions of this ~~Subsection~~ ~~subparagraph~~ shall not apply to emergency operation of vehicles of the ~~T~~own ~~P~~olice and ~~F~~ire ~~D~~epartments or to ~~A~~mbulances. (Code 1973, § 14-46)

B. *Cutting Corner At Intersection.* It shall be unlawful for any person operating any vehicle to enter any cross street or intersecting street by cutting corners and driving and operating such vehicle over and upon private property for the purpose of entering such cross street or intersecting street, or entering such cross street or intersecting street in any manner other than driving or operating such vehicle by or around the curb or over and upon the public streets, without first coming to a complete stop. (Code 1973, § 14-47)

C. *Blocking Intersections*

1. It shall be unlawful for a driver to enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle ~~he is operating~~ without obstructing

the passage of other vehicles or pedestrians notwithstanding any traffic-control signal indicating to proceed.

2. The Chief of Police is hereby authorized and directed to cause to be erected suitable signs and markers at intersections to notify the public of such restrictions.

(Code 1973, § 14-50)

- D. *Erection Of Directional Traffic Signs And Markers And Designation Of Lanes At Intersections - Authority Of Chief Of Police.* To govern turning movements of vehicles at intersections the Chief of Police may cause directional traffic signs and markers to be erected and installed at and near street intersections and may designate on the ground traffic lanes for use by vehicle. (Code 1973, § 14-63)
- E. ~~Same~~ *Compliance.* When directional traffic signs and markers have been erected and installed and traffic lanes have been designated on the ground, pursuant to Subsection~~subparagraph~~ D, at an intersection, it shall be unlawful for any driver of any vehicle approaching such intersection to fail to comply therewith to fail to turn in the manner directed or to fail to use the traffic lanes as designated. (Code 1973, § 14-64)

State law reference(s)—Similar provisions, G.S. § 20-138.1 et seq.

SECTION 60: **AMENDMENT** “10.08.030 Stop Streets” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.08.030 Stop Streets

- A. *Designation Of Stop Intersections.* The intersections designated as stop intersection are shown upon the document known as designated stop intersection on file in the town clerk's office and the Kure Beach Police Department subject to approval of the town council. (Code 1973, § 14-68; Ord. of 9-21-82; Ord. of 4-16-85, § 14-68; Ord. of 5-16-89; Ord. of 5-21-91; Ord. of 9-17-91; Ord. of 4-21-92; Ords. of 6-22-94; Ord. of 12-14-95; Ord. of 8-21-01)
- B. *Duty Of Driver.* Except as otherwise provided in this article, the driver of every vehicle proceeding on the avenue first designated in subparagraph A shall, immediately before crossing or entering the second avenue designated in such subparagraph, bring his vehicle to a complete stop and, upon crossing or entering such second designated avenue, shall yield the right-of-way to vehicles approaching thereon. (Code 1973, § 14-69)
- C. *Signs.* The chief of police is hereby authorized and directed to cause stop signs to be installed at the intersections enumerated in subparagraph A. (Code 1973, § 14-70)

Cross reference(s)—Streets, sidewalks and other public places, KBC 13.

AFTER AMENDMENT

10.08.030 Stop Streets

- A. *Designation Of Stop Intersections.* The intersections ~~D~~esignated as ~~S~~top ~~I~~ntersections are shown upon the document known as ~~D~~esignated ~~S~~top ~~I~~ntersection on file in the ~~T~~own ~~C~~lerk's office and the Kure Beach Police Department subject to approval of the ~~T~~own ~~C~~ouncil. (Code 1973, § 14-68; Ord. of 9-21-82; Ord. of 4-16-85, § 14-68; Ord. of 5-16-89; Ord. of 5-21-91; Ord. of 9-17-91; Ord. of 4-21-92; Ords. of 6-22-94; Ord. of 12-14-95; Ord. of 8-21-01)
- B. *Duty Of Driver.* Except as otherwise provided in this ~~A~~rticle, the driver of every vehicle proceeding on the avenue first designated in subparagraph A shall, immediately before crossing or entering the second avenue designated in such ~~Subsection~~~~subparagraph~~, bring his vehicle to a complete stop and, upon crossing or entering such second designated avenue, shall yield the right-of-way to vehicles approaching thereon. (Code 1973, § 14-69)
- C. *Signs.* The ~~C~~hief of ~~P~~olice is hereby authorized and directed to cause stop signs to be installed at the intersections enumerated in ~~Subsection~~~~subparagraph~~ A. (Code 1973, § 14-70)

~~Cross reference(s)—Streets, sidewalks and other public places, KBC 13.~~

SECTION 61: AMENDMENT “10.10.010 Generally” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.010 Generally

- A. *Definitions.* For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Driveway. An area allowing ingress and egress to private residences that is not open to public vehicular traffic.

Intersection. The lateral edge of roadway lines of two or more streets or highways which join one another at any angle regardless whether one such street or highway crosses the other.

Motorcycle. A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including, motor scooters, and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds.

Moped. A non-passenger vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed fifty (50) cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than thirty (30) miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

Owner. A person holding legal title to a vehicle. For the purposes of this article, the lessee of a vehicle shall be considered the owner of the vehicle.

Park. The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

Passenger vehicle. Registered golf carts, motorcycles, and four-wheel vehicles, including pick-up trucks, panel trucks, and vans which do not exceed ten thousand (10,000) pounds, which are not used in a delivery or freight business and/or to carry passengers for a fee.

Property-hauling vehicles.

1. Vehicles used for the transportation of property.
2. Semitrailers. Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.
3. Trailers. Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle.

Public right-of-way. A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway and which includes areas adjacent thereto which may be used for, without limitation, sidewalks, planting strips, traffic circles, utilities, and/or medians. Private property does not extend to the street edge.

Standing. Any stopping of a vehicle, whether occupied or not.

Street/highway. The entire width of a roadway between property or right-of-way lines when any part thereof is open to the use of the public for the purpose of vehicular traffic.

Vehicle. Every device in or upon which any person or property may be transported or drawn upon a street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks provided that, for the purpose of this chapter, a bicycle, moped, or a ridden animal shall be deemed a Vehicle but shall not be deemed a passenger vehicle.

(Ord. of 6-25-18(1))

- B. *Obedience To Police.* No person shall refuse to comply with any lawful order or direction of a police officer. (Ord. of 6-25-18(1))

C. *Civil Penalty For Violations*

1. Any owner or operator of a vehicle violating the provisions of this article shall be subject to a civil penalty in the amount of twenty-five dollars (\$25.00) for each violation; provided that an owner or operator of a vehicle illegally parking in a designated handicapped parking space in violation of KBC 10.10.020 subparagraph J shall be subject to a civil penalty in the amount of two hundred and fifty dollars (\$250.00).
2. *Generally.* The owner or operator of any vehicle who has been notified of a violation of this article may, within the time specified in the notice, present himself or herself by mail or in person with the notice or ticket at the police department and answer the violations noted thereon by voluntarily paying the civil penalty specified on the notice or ticket. Any vehicle owner/operator receiving a notice or ticket hereunder shall be permitted to pay the civil penalty without contesting the violation by appearing in person at the Town of Kure Beach, 117 Settlers Lane, Kure Beach, NC 28449 within fifteen (15) days of issuance of the notice or ticket.
3. *Construction.* The civil penalty provided for herein shall in no event be construed to be enforced fines or forfeitures and shall instead be construed as civil penalties which offenders may voluntarily pay for violations of this article. Such penalty shall be paid within fifteen (15) days of the issuance of the notice or ticket or the civil penalty shall be recovered by the town in a civil action in the nature of a debt.
4. *Disposition of proceeds.* All civil penalties paid to the town for violations of this article shall be paid into the town's general fund.

(Ord. of 6-25-18(1))

D. *Ticketing Of Vehicles*

1. *Required.* Whenever an officer of the town's police department charged with enforcing this article finds that any of its provisions are being or have been violated by the owner or operator of a vehicle, the officer shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket, in such form as the police chief may determine, to the vehicle.
2. *Contents.* The notice or ticket shall require the owner or operator to appear before the police chief or his or her designee within 15 days after such notice is given and answer to same or to return such ticket or notice by mail with the civil penalty provided for in subparagraph C above.
3. *Personal appearance.* The personal appearance of the owner or operator receiving a notice or ticket shall not be necessary provided that the payment of the civil penalty is received by the town within fifteen (15) days of the notice or ticket's issuance.

(Ord. of 6-25-18(1))

E. *Towing And Impoundment*

1. Any motor vehicle found parked in violation of this article may, in accordance with the provisions of G.S. § 160A-303 and KBC 8.08.070, be deemed as an

abandoned vehicle and be subject to towing and impoundment without prior notice to the owner.

2. In the event a vehicle is towed and impounded under this subparagraph, post-hearing notice requirements, the owner's right to a probable cause hearing on the towing, redemption of the vehicle, and the sale and disposition of unclaimed vehicles shall be as set forth in G.S. Chapter 20, Article 7A and the provisions of KBC 8.08.080 through KBC 8.08.110.

(Ord. of 6-25-18(1))

AFTER AMENDMENT

10.10.010 Generally

- A. *Definitions.* For the purposes of this ~~Article~~^{chapter}, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Driveway ~~shall mean an~~^{an} area allowing ingress and egress to private residences that is not open to public vehicular traffic.

Intersection ~~shall mean an~~: The lateral edge of roadway lines of two or more streets or highways which join one another at any angle regardless whether one such street or highway crosses the other.

Motorcycle ~~shall mean a~~: A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including, motor scooters, and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds.

Moped ~~shall mean a~~: A non-passenger vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed fifty (50) cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than thirty (30) miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

Owner ~~shall mean a~~: A person holding legal title to a vehicle. For the purposes of this article, the lessee of a vehicle shall be considered the owner of the vehicle.

Park ~~shall mean the~~: The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

Passenger vehicle ~~shall mean:~~^rRegistered golf carts, motorcycles, and four-wheel vehicles, including pick-up trucks, panel trucks, and vans which do not exceed ten

thousand (10,000) pounds, which are not used in a delivery or freight business and/or to carry passengers for a fee.

Property-hauling vehicles shall mean vehicles used for transportation of property. This shall also include Semitrailers and Trailers:-

- ~~1. Vehicles used for the transportation of property.~~
2. Semitrailers shall mean: ~~v~~Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.
3. Trailers shall mean: ~~v~~Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle.

Public right-of-way shall mean: -A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway and which includes areas adjacent thereto which may be used for, without limitation, sidewalks, planting strips, traffic circles, utilities, and/or medians. Private property does not extend to the street edge.

Standing shall mean any: -Any stopping of a vehicle, whether occupied or not.

Street/highway shall mean the: -The entire width of a roadway between property or right-of-way lines when any part thereof is open to the use of the public for the purpose of vehicular traffic.

Vehicle shall mean every: -Every device in or upon which any person or property may be transported or drawn upon a street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks provided that, for the purpose of this ~~C~~chapter, a bicycle, moped, or a ridden animal shall be deemed a Vehicle but shall not be deemed a passenger vehicle.

(Ord. of 6-25-18(1))

B. *Obedience To Police.* No person shall refuse to comply with any lawful order or direction of a ~~P~~police ~~O~~fficer. (Ord. of 6-25-18(1))

C. *Civil Penalty For Violations*

1. Any owner or operator of a vehicle violating the provisions of this ~~A~~article shall be subject to a civil penalty in the amount set forth on the Town Fee Schedule In addition and pursuant to N.C.G.S. § 20-37.6, illegally parking in a properly designated handicapped parking space is an infraction which carries a penalty of \$250.00 and whenever evidence shall be presented in any court of the fact that any automobile, truck, or other vehicle found to be

illegally parked in a properly designated handicapped parking space, it shall be prima facie evidence in any court in the State of North Carolina that the

vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of

~~the Division of Motor Vehicles, of twenty-five dollars (\$25.00) for each violation; provided that an owner or operator of a vehicle illegally parking in a designated handicapped parking space in violation of KBC 10.10.020 subparagraph J shall be subject to a civil penalty in the amount of two hundred and fifty dollars (\$250.00).~~

2. *Generally.* The owner or operator of any vehicle who has been notified of a violation of this ~~A~~ article may, within the time specified in the notice, present ~~themselves~~ ~~himself or herself~~ by mail or in person with the notice or ticket at the ~~P~~police ~~D~~epartment and answer the violations noted thereon by voluntarily paying the civil penalty specified on the notice or ticket. Any vehicle owner/operator receiving a notice or ticket hereunder shall be permitted to pay the civil penalty without contesting the violation by appearing in person at the ~~Town of Kure Beach~~, 117 Settlers Lane, Kure Beach, NC 28449 within fifteen (15) days of issuance of the notice or ticket.
3. *Construction.* The civil penalty provided for herein shall in no event be construed to be enforced fines or forfeitures and shall instead be construed as civil penalties which offenders may voluntarily pay for violations of this ~~A~~ article. Such penalty shall be paid within fifteen (15) days of the issuance of the notice or ticket or the civil penalty shall be recovered by the ~~T~~own in a civil action in the nature of a debt.
4. *Disposition of proceeds.* All civil penalties paid to the ~~T~~own for violations of this ~~A~~ article shall be paid into the ~~T~~own's ~~G~~eneral ~~F~~und.

(Ord. of 6-25-18(1))

D. *Ticketing Of Vehicles*

1. *Required.* Whenever an officer of the ~~T~~own's ~~P~~police ~~D~~epartment charged with enforcing this ~~A~~ article finds that any of its provisions are being or have been violated by the owner or operator of a vehicle, the officer shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket, in such form as the ~~P~~police ~~C~~hief may determine, to the vehicle.
2. *Contents.* The notice or ticket shall require the owner or operator to appear before the ~~P~~police ~~C~~hief or ~~his or her~~ designee within ~~fifteen~~ (15) days after such notice is given and answer to same or to return such ticket or notice by mail with the civil penalty provided for in ~~Subsection~~ ~~subparagraph~~ C above.
3. *Personal appearance.* The personal appearance of the owner or operator receiving a notice or ticket shall not be necessary provided that the payment of the civil penalty is received by the ~~T~~own within fifteen (15) days of the notice or ticket's issuance.

(Ord. of 6-25-18(1))

E. *Towing And Impoundment*

1. Any motor vehicle found parked in violation of this ~~A~~ article may, in accordance with the provisions of G.S. § 160A-303 and KBC 8.08.070, be deemed as an abandoned vehicle and be subject to towing and impoundment without prior notice to the owner.

2. In the event a vehicle is towed and impounded under this ~~Subsection~~~~subparagraph~~, ~~the~~ post-hearing notice requirements, the owner's right to a probable cause hearing on the towing, redemption of the vehicle, and the sale and disposition of unclaimed vehicles shall be as set forth in G.S. Chapter 20, Article 7A and the provisions of KBC 8.08.080 through KBC 8.08.110.

(Ord. of 6-25-18(1))

SECTION 62: **AMENDMENT** “10.10.020 Parking Rules” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.020 Parking Rules

A. Parking In General And Manner Of Parking

1. Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the town's residential districts who shall be permitted to park their passenger vehicles, without time restrictions, on the unpaved portion of the public right-of-way abutting their front yard and within the front yard setback of the property they own or lease in accordance with the applicable provisions of KBC 15. Property owners must keep the unpaved portion of the right-of-way abutting their front yard clear of any obstacles, impediments, plantings, or structures. Property owners are specifically prohibited from barricading or roping off any portion of the right-of-way or posting signage therein. The only items permitted in the unpaved portion of the right-of-way are mailboxes.
2. Passenger vehicles when parked in designated spaces for parallel parking shall be so parked that the curbside wheels of the vehicle shall not be more than twelve (12) inches from the curb.
3. Passenger vehicles when parked in designated spaces for diagonal parking shall be so parked that the vehicle's front wheels are immediately adjacent to the curb or parking bumper.
4. Passenger vehicles shall be parked in designated parking spaces such that the overall dimensions of the vehicle shall be entirely within the parking space as designated.
5. Violations of this subparagraph shall subject the offender to the imposition of a civil penalty as provided for in KBC 10.10.010 subparagraph C.
6. The prohibitions in this article shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible not shall these prohibitions apply to vehicles belonging to or operated by employees of third-party vendors under contract with the town to

provide a public service.

(Ord. of 11-15-16(2); Ord. of 6-25-18(1); Ord. of 6-25-18(2))

- B. *Non-Passenger Vehicles.* Only passenger vehicles shall be permitted to park in the town's designated parking spaces and all other vehicles, including property-hauling vehicles, are prohibited from parking in the designated spaces. (Ord. of 6-25-18(1))
- C. *Designation Of Parking Spaces, Areas, And Zones*
1. The public works department shall, when authorized and directed to do so by town council, lay off and designate by appropriate signage and markings, parallel and diagonal parking spaces, limited parking spaces, reserved parking spaces, handicapped parking spaces, loading zones, and no parking areas.
 2. Parallel and diagonal parking spaces shall be marked on the ground and each space shall not exceed twenty (20) feet in length.
(Ord. of 6-25-18(1))
- D. *Parking In Time-Limited Spaces.* Whenever a parking space is signed and marked as limiting the time or conditions under which a vehicle may be parked, no person shall park or let stand a vehicle in such space except in conformity with the signs and markings erected thereat. (Ord. of 6-25-18(1))
- E. *No Parking Areas.* Whenever signs or markings are placed, erected, or installed giving notice thereof, no person shall park a vehicle at any time in an area signed or marked as a no parking area. (Ord. of 6-25-18(1))
- F. *Stopping In Streets Prohibited; Exceptions.* No vehicle shall stop in or on any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of emergency vehicles, the approach of a funeral or other procession which is given right-of-way, or by some other emergency. In all cases covered by these exceptions, the vehicle shall be stopped so as not to obstruct any pedestrian walkway, safety zone, bike or multi-use path, crosswalk or intersection if it can be avoided. (Ord. of 6-25-18(1))
- G. *Parking For Certain Purposes Prohibited.* No person shall stand or park a vehicle on any part of a public right-of-way for the purpose of:
1. Displaying it for sale.
 2. Washing, cleaning, waxing, greasing or repairing the vehicle, excepting repairs necessitated by an emergency.
 3. Vehicle storage by a garage, mechanic, repair shop, dealer or some other person/entity.
 4. Storage of any detached trailer or van, when the towing unit has been disconnected.
 5. Transferring merchandise or freight from one vehicle to another.
 6. Using the vehicle for advertising.
 7. Overnight parking except in designated parking spaces or as otherwise provided for herein; "overnight" meaning, for the purpose of this subparagraph, between the hours of sunset and sunrise.
(Ord. of 6-25-18(1))
- H. *Parking Prohibited At Certain Places.* Whether the vehicle is attended or unattended, no person shall stop, stand, or park any portion of any vehicle, except when conflict with other traffic is imminent or when directed to do so by a police officer or traffic-control device, in any of the following places:

1. On a sidewalk.
 2. In a crosswalk.
 3. In a bike or multi-use path.
 4. Within an intersection.
 5. Within ten (10) feet of an intersection.
 6. In front of a driveway.
 7. Within ten (10) feet of a fire plug or hydrant.
 8. On any part of a public right-of-way facing opposing traffic.
 9. Within fifteen (15) feet, on the seaward side, of any private or public beach access points.
 10. In a designated Handicapped parking space without the proper license plate, placard, or other evidence showing that a handicapped permit has been issued to the vehicle's operator by the proper authority.
 11. Other than public right-of-ways as provided for herein, on any public property, including parking lots, parks, and recreational areas, except as permitted thereat, provided that, in accordance with G.S. § 160A-303 and KBC 8.08.070 subparagraph B, any vehicle left on property owned by the town for longer than twenty-four (24) hours will be deemed to have been abandoned and may be towed and impounded as provided for herein.
 12. On any part of a public right-of-way except by passenger vehicles in designated parking spaces or as otherwise provided for herein.
(Ord. of 6-25-18(1); Ord. of 6-25-18(2))
- I. *Beach Access Parking*. It shall be unlawful for any person to park or leave standing in any public beach access parking area any passenger vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

1342	Fort Fisher Blvd. S.	Ocean Dune
643	Fort Fisher Blvd. S.	E Avenue
541	Fort Fisher Blvd. S.	F Avenue
443	Fort Fisher Blvd. S.	G Avenue
343	Fort Fisher Blvd. S.	H Avenue
227	Fort Fisher Blvd. S.	I Avenue
139	Fort Fisher Blvd. S.	J Avenue
334	Fort Fisher Blvd. S.	N Avenue

(Ord. of 6-25-18(1))

AFTER AMENDMENT

10.10.020 Parking Rules

A. *Parking In General And Manner Of Parking*

1. Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the **T**own's residential districts who shall be permitted to park their passenger vehicles, without time restrictions, on the unpaved portion of the public right-of-way abutting their front **or side** yard and within the front **or side** yard setback of the property they own or lease in accordance with the applicable provisions of KBC 15. Property owners must keep the unpaved portion of the right-of-way abutting their front **or side** yard clear of any obstacles, impediments, plantings, or structures. Property owners are specifically prohibited from barricading or roping off any portion of the right-of-way or posting signage therein. The only items permitted in the unpaved portion of the right-of-way are mailboxes.
2. Passenger vehicles when parked in designated spaces for parallel parking shall be so parked that the curbside wheels of the vehicle shall not be more than twelve (12) inches from the curb.
3. Passenger vehicles when parked in designated spaces for diagonal parking shall be so parked that the vehicle's front wheels are immediately adjacent to the curb or parking bumper.
4. Passenger vehicles shall be parked in designated parking spaces such that the overall dimensions of the vehicle shall be entirely within the parking space as designated.
5. Violations of this **Subsection** **subparagraph** shall subject the offender to the imposition of a civil penalty as provided for in KBC 10.10.010 **Subsection** **subparagraph** C.
6. The prohibitions in this **A**rticle shall not apply to **T**own **E**mergency and **P**ublic **S**ervice vehicles whose operators are performing services for which they are responsible **nor**t shall these prohibitions apply to vehicles belonging to or operated by employees of third-party vendors under contract with the **T**own to provide a public service.
(Ord. of 11-15-16(2); Ord. of 6-25-18(1); Ord. of 6-25-18(2))

B. *Non-Passenger Vehicles*. Only passenger vehicles shall be permitted to park in the **T**own's designated parking spaces and all other vehicles, including property-hauling vehicles, are prohibited from parking in the designated spaces. (Ord. of 6-25-18(1))

C. *Designation Of Parking Spaces, Areas, And Zones*

1. The public works department shall, when authorized and directed to do so by town council, lay off and designate by appropriate signage and markings, parallel and diagonal parking spaces, limited parking spaces, reserved parking spaces, handicapped parking spaces, loading zones, and no parking areas.
2. Parallel and diagonal parking spaces shall be marked on the ground and each space shall not exceed twenty (20) feet in length.
(Ord. of 6-25-18(1))

D. *Parking In Time-Limited Spaces*. Whenever a parking space is signed and marked as limiting the time or conditions under which a vehicle may be parked, no person shall park or let stand a vehicle in such space except in conformity with the signs and markings erected thereat. (Ord. of 6-25-18(1))

- E. *No Parking Areas*. Whenever signs or markings are placed, erected, or installed giving notice thereof, no person shall park a vehicle at any time in an area signed or marked as a no parking area. (Ord. of 6-25-18(1))
- F. *Stopping In Streets Prohibited; Exceptions*. No vehicle shall stop in or on any street, except for the purpose of parking as prescribed in this ~~Article~~~~chapter~~, unless such stop is made necessary by the approach of emergency vehicles, the approach of a funeral or other procession which is given right-of-way, or by some other emergency. In all cases covered by these exceptions, the vehicle shall be stopped so as not to obstruct any pedestrian walkway, safety zone, bike or multi-use path, crosswalk or intersection if it can be avoided. (Ord. of 6-25-18(1))
- G. *Parking For Certain Purposes Prohibited*. No person shall stand or park a vehicle on any part of a public right-of-way for the purpose of:
1. Displaying it for sale.
 2. Washing, cleaning, waxing, greasing or repairing the vehicle, excepting repairs necessitated by an emergency.
 3. Vehicle storage by a garage, mechanic, repair shop, dealer or some other person/entity.
 4. Storage of any detached trailer or van, when the towing unit has been disconnected.
 5. Transferring merchandise or freight from one vehicle to another.
 6. Using the vehicle for advertising.
 7. Overnight parking except in designated parking spaces or as otherwise provided for herein; ~~"overnight" meaning~~; for the purpose of this ~~Subsection~~~~subparagraph~~, overnight shall mean between the hours of sunset and sunrise.
(Ord. of 6-25-18(1))
- H. *Parking Prohibited At Certain Places*. Whether the vehicle is attended or unattended, no person shall stop, stand, or park any portion of any vehicle, except when conflict with other traffic is imminent or when directed to do so by a ~~P~~police ~~O~~fficer or traffic-control device, in any of the following places:
1. On a sidewalk.
 2. In a crosswalk.
 3. In a bike or multi-use path.
 4. Within an intersection.
 5. Within ten (10) feet of an intersection.
 6. In front of a driveway.
 7. Within ten (10) feet of a fire plug or hydrant.
 8. On any part of a public right-of-way facing opposing traffic.
 9. Within fifteen (15) feet, on the seaward side, of any private or public beach access points.
 10. In a designated Handicapped parking space without the proper license plate, placard, or other evidence showing that a handicapped permit has been issued to the vehicle's operator by the proper authority.
 11. Other than public right-of-ways as provided for herein, on any public property, including parking lots, parks, and recreational areas, except as

permitted thereat, provided that, in accordance with G.S. § 160A-303 and KBC 8.08.070 subparagraph B, any vehicle left on property owned by the

Town for longer than twenty-four (24) hours will be deemed to have been abandoned and may be towed and impounded as provided for herein.

12. On any part of a public right-of-way except by passenger vehicles in designated parking spaces or as otherwise provided for herein.
(Ord. of 6-25-18(1); Ord. of 6-25-18(2))

- I. *Beach Access Parking*. It shall be unlawful for any person to park or leave standing in any public beach access parking area any passenger vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

1342	Fort Fisher Blvd. S.	Ocean Dune
643	Fort Fisher Blvd. S.	E Avenue
541	Fort Fisher Blvd. S.	F Avenue
443	Fort Fisher Blvd. S.	G Avenue
343	Fort Fisher Blvd. S.	H Avenue
227	Fort Fisher Blvd. S.	I Avenue
139	Fort Fisher Blvd. S.	J Avenue
334	Fort Fisher Blvd. S.	N Avenue

(Ord. of 6-25-18(1))

SECTION 63: **AMENDMENT** “10.10.030 Parking Spaces For Commercial Vehicles” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.030 Parking Spaces For Commercial Vehicles

A. *Loading Zones*

1. There shall be no parking, standing, or storage of any vehicles used for commercial purposes except for the purpose of loading and unloading fuel, oil, goods, wares, or merchandise. Commercial vehicles stopped for such purposes shall be required to make all reasonable efforts to avoid the impediment of traffic flow. Unloading shall not exceed thirty (30) minutes.
2. Commercial vehicles may be parked horizontally for a period not exceeding (30) minutes for loading or unloading on any street where diagonal parking is designated.

3. No more than two (2) commercial vehicles may be halted for the purpose of unloading in the unloading zone in front of the pier. Only vehicles which can safely be halted within the designated area of the unloading zone may be unloaded at this site.
(Ord. of 6-25-18(1))

AFTER AMENDMENT

10.10.030 Parking Spaces For Commercial Vehicles

A. Loading Zones

1. There shall be no parking, standing, or storage of any vehicles used for commercial purposes except for the purpose of loading and unloading fuel, oil, goods, wares, or merchandise. Commercial vehicles stopped for such purposes shall be required to make all reasonable efforts to avoid the impediment of traffic flow. Unloading shall not exceed thirty (30) minutes.
2. Commercial vehicles may be parked horizontally for a period not exceeding thirty (30) minutes for loading or unloading on any street where diagonal parking is designated.
3. No more than two (2) commercial vehicles may be halted for the purpose of unloading in the unloading zone in front of Kure Pier~~the pier~~. Only vehicles which can safely be halted within the designated area of the unloading zone may be unloaded at this site.
(Ord. of 6-25-18(1))

SECTION 64: AMENDMENT “10.10.040 Parking Spaces For The Disabled” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.040 Parking Spaces For The Disabled

- A. *Designated.* The first parking space on the eastern side of Atlantic Avenue next to the loading zone on the north side of Kure Pier and the first parking space on the eastern side of Atlantic Avenue on the south side of Kure Pier shall be designated as handicapped parking as defined and set out in G.S. § 20-37.6. The penalty for violation of handicapped parking shall be as set out in G.S. § 20-37.6(f). (Ord. of 6-25-18(1))

AFTER AMENDMENT

10.10.040 ~~Parking Spaces For The Disabled~~Reserved

- ~~A. *Designated.* The first parking space on the eastern side of Atlantic Avenue next to the loading zone on the north side of Kure Pier and the first parking space on the eastern~~

~~side of Atlantic Avenue on the south side of Kure Pier shall be designated as handicapped parking as defined and set out in G.S. § 20-37.6. The penalty for violation of handicapped parking shall be as set out in G.S. § 20-37.6(f). (Ord. of 6-25-18(1))~~

SECTION 65: **AMENDMENT** “10.10.050 Parking Violations During State Of Emergency” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.050 Parking Violations During State Of Emergency

During a Declaration of State of Emergency by the Town of Kure Beach, NC which closes public parking and/or beach access areas, any motor vehicle found parked in violation of this Section may be cited for a civil citation in the amount of \$75.00.

AFTER AMENDMENT

10.10.050 Parking Violations During State Of Emergency

During a Declaration of State of Emergency by the Town, ~~of Kure Beach, NC~~ which closes public parking and/or beach access areas, any motor vehicle found parked in violation of this ~~Article~~**Section** may be subject to a civil penalty in the amount set forth on the Town Fee Schedule. ~~cited for a civil citation in the amount of \$75.00.~~

SECTION 66: **AMENDMENT** “10.12.010 Generally” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.12.010 Generally

- A. *Riding On Handle Bars, Etc, Of Motorcycle Or Bicycle Prohibited.* It shall be unlawful for the operator of a motorcycle or bicycle when upon any street of the town to carry any person upon the handle bars, frame or tank of any such motorcycle or bicycle. It shall be unlawful for any person to ride upon the handle bars, frame or tank of such motorcycle or bicycle. (Code 1973, § 14-13)
- B. *Hands On Handle Bars Of Bicycle Or Motorcycle.* It shall be unlawful for any person except a lawful passenger on motorcycle to ride a bicycle or motorcycle on any street without having his hands upon the handle bars. (Code 1973, § 14-14)

AFTER AMENDMENT

10.12.010 Generally

- A. ~~Riding On Handlebars, Frame or Tank Etc, Of Motorcycle Or Bicycle Prohibited.~~ It shall be unlawful for the operator of a motorcycle or bicycle when upon any street of the Town to carry any person upon the handle-bars, frame or tank of any such motorcycle or bicycle. It shall be unlawful for any person to ride upon the handle-bars, frame or tank of such motorcycle or bicycle. (Code 1973, § 14-13)
- ~~B. Hands On Handle Bars Of Bicycle Or Motorcycle. It shall be unlawful for any person except a lawful passenger on motorcycle to ride a bicycle or motorcycle on any street without having his hands upon the handle bars. (Code 1973, § 14-14)~~

SECTION 67: AMENDMENT “10.12.020 Bicycles” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.12.020 Bicycles

- A. *Definition Of Bicycle.* A bicycle for the purposes of this section shall be taken to mean a device propelled by human power upon which a person may ride having two (2) or three (3) tandem wheels. (Code 1973, § 14-88)
- Cross reference(s)**—Definitions and rules of construction generally, KBC 1.04.010.
- B. *Application Of Traffic Regulations To Rider Of Bicycles.* Every person operating a bicycle upon a highway shall be subject to the provisions of the General Statutes of North Carolina and this chapter applicable to the driver of a vehicle, except those provisions of such sections of the General Statutes and this chapter which by their nature can have no application. (Code 1973, § 14-89)
- C. *Obedience To Signs.* A person operating a bicycle shall obey the instructions of official traffic signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer. (Code 1973, § 14-90)
- D. *Obedience To Signs Limiting Turning.* Whenever authorized signs are erected indicating that no right, left or "U" turn is permitted, no person operating a bicycle shall disobey the directions of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Code 1973, § 14-91)
- E. *Limitation On Number Of Persons Carried.* No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Code 1973, § 14-92)
- F. *Limitation On Speed.* No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing, or exceed the speed limit by law for motor vehicles. (Code 1973, § 14-93)
- G. *Riding On Right.* Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing

- a standing vehicle or one proceeding in the same direction. (Code 1973, § 14-94)
- H. *Emerging From Alley Or Driveway.* The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Code 1973, § 14-95)
- I. *Carrying Packages, Etc.* No person operating a bicycle shall carry any package, bundle or article which prevents the rider from having both hands on the handlebars. (Code 1973, § 14-96)
- J. *Parking.* No person shall park a bicycle upon a street other than upon the roadway against the curb or upon a sidewalk in a rack to support the bicycle. (Code 1973, § 14-97; Ord. of 3-15-88)
- K. *Riding On Sidewalk.* No person shall ride a bicycle upon any sidewalk in the town. (Code 1973, § 14-98)
- L. *Riding In Parks.* It shall be unlawful for any person to ride any bicycle on or over any concrete walk or walkway in any park in the town, or upon any tennis court or basketball court, located within such public park. (Code 1973, § 14-99)
- M. *Lamps.* Every bicycle shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least three hundred (300) feet in front and shall also be equipped with a reflex mirror or lamp exhibiting a red light visible under like conditions from a distance of two hundred (200) feet to the rear of such bicycle when used at night. (Code 1973, § 14-100) **State law reference(s)**—Similar provisions, G.S. § 20-129(e).
- N. *Bells; Sirens Or Whistles.* No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet except that a bicycle shall not be equipped with nor shall any bicycle rider use any siren or whistle. (Code 1973, § 14-101)
- O. *Brakes.* Every bicycle shall be equipped with a brake which will enable the operator to make the braked-wheel skid on a dry, level, clean pavement. (Code 1973, § 14-102)
- P. *Responsibility Of Parent Or Guardian.* The parent of any child or the guardian of any ward shall not authorize or knowingly permit any minor child or ward under the age of sixteen (16) years to violate any of the provisions of this section. (Code 1973, § 14-103)
- Q. *Application.* This section shall apply whenever a bicycle is operated upon any public street or public way within the town. (Code 1973, § 14-104)
- R. *Penalty.* Violations of the provisions of this chapter shall subject the offender to a civil penalty as hereinafter enumerated. These ordinances shall be referred to as parking ordinances. Civil penalties may be recovered by the town in a civil action in the nature of debt, if the offender does not pay the penalty within the prescribed period of time after being cited for violation of the ordinance. In accordance with G.S. § 160A-175(b), a violation of the parking ordinances shall not be subject to the penalty provision of G.S. § 14-4 and shall not be considered an infraction or a breach of the penal laws of the state. The civil penalty shall be in the amount of twenty-five dollars (\$25.00). (Ord. of 7-20-99; Ord. of 8-15-00; Ord. of 6-20-17(4))

AFTER AMENDMENT

10.12.020 Bicycles

A. *Definition Of Bicycle.* A bicycle, for the purposes of this ~~Article~~ section shall ~~be taken to~~ mean a device propelled by human power upon which a person may ride having two (2) or three (3) tandem wheels. (Code 1973, § 14-88)

1. For the purpose of this Article, Motorized Bicycles are considered Bicycles

~~Cross-reference(s) — Definitions and rules of construction generally, KBC 1.04.010.~~

- B. *Application Of Traffic Regulations To Rider Of Bicycles.* Every person operating a bicycle upon a highway shall be subject to the provisions of the General Statutes of North Carolina and this ~~Article~~ chapter applicable to the driver of a vehicle, except those provisions of such sections of the General Statutes and this ~~Article~~ chapter which by their nature can have no application. (Code 1973, § 14-89)
- C. *Obedience To Signs.* A person operating a bicycle shall obey the instructions of official traffic signals, signs and other control devices applicable to vehicles unless otherwise directed by a ~~P~~police ~~O~~fficer. (Code 1973, § 14-90)
- D. *Obedience To Signs Limiting Turning.* Whenever authorized signs are erected indicating that no right, left or "U" turn is permitted, no person operating a bicycle shall disobey the directions of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Code 1973, § 14-91)
- E. *Limitation On Number Of Persons Carried.* No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (Code 1973, § 14-92)
- F. *Limitation On Speed.* No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing, or exceed the speed limit by law for motor vehicles. (Code 1973, § 14-93)
- G. *Riding On Right.* Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. (Code 1973, § 14-94)
- H. *Emerging From Alley Or Driveway.* The operator of a bicycle emerging from an alley or driveway shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Code 1973, § 14-95)
- I. *Carrying Packages, Etc.* No person operating a bicycle shall carry any package, bundle or article which prevents the rider from having both hands on the handlebars. (Code 1973, § 14-96)
- J. *Parking.* No person shall park a bicycle upon a street other than upon the roadway against the curb or upon a sidewalk in a rack to support the bicycle. (Code 1973, § 14-97; Ord. of 3-15-88)
- K. *Riding On Sidewalk.* No person shall ride a bicycle upon any sidewalk in the ~~T~~own. (Code 1973, § 14-98)
- L. *Riding In Parks.* It shall be unlawful for any person to ride any bicycle on or over any concrete walk or walkway in any park in the ~~T~~own, or upon any tennis court or

basketball court, located within such public park. (Code 1973, § 14-99)

- M. *Lamps*. Every bicycle shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least three hundred (300) feet in front and shall also be equipped with a reflex mirror or lamp exhibiting a red light visible under like conditions from a distance of two hundred (200) feet to the rear of such bicycle when used at night. (Code 1973, § 14-100) **State law reference(s)**—Similar provisions, G.S. § 20-129(e).
- N. *Bells; Sirens Or Whistles*. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet except that a bicycle shall not be equipped with nor shall any bicycle rider use any siren or whistle. (Code 1973, § 14-101)
- O. *Brakes*. Every bicycle shall be equipped with a brake which will enable the operator to make the braked-wheel skid on a dry, level, clean pavement. (Code 1973, § 14-102)
- P. *Responsibility Of Parent Or Guardian*. The parent of any child or the guardian of any ward shall not authorize or knowingly permit any minor child or ward under the age of sixteen (16) years to violate any of the provisions of this **S**ection. (Code 1973, § 14-103)
- Q. *Application*. This **S**ection shall apply whenever a bicycle is operated upon any public street or public way within the **T**own. (Code 1973, § 14-104)
- R. *Penalty*. Violations of the provisions of this **Article**~~chapter~~ shall subject the offender to a civil penalty **in the amount set forth on the Town Fee Schedule. as hereinafter enumerated. These ordinances shall be referred to as parking ordinances. Civil penalties may be recovered by the town in a civil action in the nature of debt, if the offender does not pay the penalty within the prescribed period of time after being cited for violation of the ordinance. In accordance with G.S. § 160A-175(b), a violation of the parking ordinances shall not be subject to the penalty provision of G.S. § 14-4 and shall not be considered an infraction or a breach of the penal laws of the state. The civil penalty shall be in the amount of twenty-five dollars (\$25.00).** (Ord. of 7-20-99; Ord. of 8-15-00; Ord. of 6-20-17(4))

SECTION 68: AMENDMENT “10.14 RENTAL VEHICLES” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.14 RENTAL VEHICLES

Cross reference(s)—Obstructing hydrants prohibited, KBC 8.06.020; licenses and business regulations, KBC 5; motor vehicles and traffic, KBC 10; taxicabs required to obtain town motor vehicles license tag, KBC 10-21; nuisances, KBC 8; certain noises prohibited, KBC 8.04.010; police, KBC 2.14; taxation, KBC 4.02. **State law reference(s)**—Authority of town to regulate taxicabs and the drivers and operators thereof, G.S. §§ 20-37, 160A-304; taxicab

registration fees, G.S. § 20-87; financial responsibility, G.S. § 20-280; marking of vehicles for hire, G.S. § 20-101; transporting alcoholic beverages in taxicabs, G.S. § 18B-401; age of driver of public passenger-carrying vehicle, G.S. § 20-10; rental vehicles, G.S. § 20-84.2; liability insurance required on persons engaged in renting motor vehicles, G.S. §§ 20-281—20-284.

AFTER AMENDMENT

10.14 RENTAL VEHICLES

~~Cross reference(s)—Obstructing hydrants prohibited, KBC 8.06.020; licenses and business regulations, KBC 5; motor vehicles and traffic, KBC 10; taxicabs required to obtain town motor vehicles license tag, KBC 10-21; nuisances, KBC 8; certain noises prohibited, KBC 8.04.010; police, KBC 2.14; taxation, KBC 4.02. State law reference(s)—~~Authority of town to regulate taxicabs and the drivers and operators thereof, G.S. §§ 20-37, 160A-304; taxicab registration fees, G.S. § 20-87; financial responsibility, G.S. § 20-280; marking of vehicles for hire, G.S. § 20-101; transporting alcoholic beverages in taxicabs, G.S. § 18B-401; age of driver of public passenger-carrying vehicle, G.S. § 20-10; rental vehicles, G.S. § 20-84.2; liability insurance required on persons engaged in renting motor vehicles, G.S. §§ 20-281—20-284.

SECTION 69: AMENDMENT “10.14.010 Leased Only To Licensed Drivers” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.14.010 Leased Only To Licensed Drivers

It shall be unlawful for any person owning or maintaining any motor vehicle for hire to let, hire or lease any such vehicle to any person who had not been duly licensed to drive a motor vehicle, as required by statute, if the vehicle is to be driven and operated by the person to whom rented, let or leased.

(Code 1973, § 24-1)

AFTER AMENDMENT

10.14.010 Leased Only To Licensed Drivers

It shall be unlawful for any person owning or maintaining any motor vehicle for hire to let, hire or lease any such vehicle to any person who had not been duly licensed to drive a motor vehicle, as required by North Carolina State Statutes, if the vehicle is to be driven and operated by the person to whom rented, let or leased.

(Code 1973, § 24-1)

SECTION 70: **AMENDMENT** “10.16 TAXICABS” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.16 TAXICABS

Cross reference(s)—Taxicabs required to obtain town motor vehicle license tag, KBC 10-21; obstructing hydrants prohibited, KBC 8.06.020; licenses and business regulations, KBC 5; motor vehicles and traffic, KBC 10; nuisances, KBC 8; certain noises prohibited, KBC 8.04.010; police, Ch. KBC 2.14; taxation, KBC 4.02. **State law reference(s)**—Authority of town to regulate taxicabs and the drivers and operators thereof, G.S. §§ 20-37, 160A-304; taxicab registration fees, G.S. § 20-87; financial responsibility, G.S. § 20-280; marking of vehicles for hire, G.S. § 20-101; transporting alcoholic beverages in taxicabs, G.S. § 18B-401; age of driver of public passenger-carrying vehicle, G.S. § 20-10.

AFTER AMENDMENT

10.16 TAXICABS

~~**Cross reference(s)**—Taxicabs required to obtain town motor vehicle license tag, KBC 10-21; obstructing hydrants prohibited, KBC 8.06.020; licenses and business regulations, KBC 5; motor vehicles and traffic, KBC 10; nuisances, KBC 8; certain noises prohibited, KBC 8.04.010; police, Ch. KBC 2.14; taxation, KBC 4.02. **State law reference(s)**—Authority of town to regulate taxicabs and the drivers and operators thereof, G.S. §§ 20-37, 160A-304; taxicab registration fees, G.S. § 20-87; financial responsibility, G.S. § 20-280; marking of vehicles for hire, G.S. § 20-101; transporting alcoholic beverages in taxicabs, G.S. § 18B-401; age of driver of public passenger-carrying vehicle, G.S. § 20-10.~~

SECTION 71: **AMENDMENT** “10.16.010 Generally” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.16.010 Generally

- A. *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subparagraph, except where the context clearly indicates a different meaning: *Driver's permit* shall mean a permit issued after examination by which authority is granted to a person to drive a taxicab under this

article. *Operator's license* shall mean the license issued to any person who is the owner of any taxicab operated under this article. *Taxicab* shall include every vehicle other than motorbuses operated under the jurisdiction of the state commission and u-drive-it or self-driven vehicles which shall be used for the purpose of carrying, transporting or conveying persons or passengers from one place to another for which a charge or fee is made. *Taximeter* shall mean a mechanical instrument or device by which the charge for the hire of taxicab at a predetermined rate is mechanically calculated and registered for the distance travelled and for waiting time separately and

upon which such charges shall be indicated by means of figures. *Waiting time* shall mean the time consumed while the taxicab is not in motion at the direction of a passenger and the time consumed while the driver is waiting for a passenger and the time consumed while the driver is waiting for a passenger after having responded to a call but does not include the time consumed by a premature response or for the first three (3) minutes following timely arrival in response to the call or for delay caused by traffic interruption or the inefficiency of the taxicab or its driver. (Code 1973, § 24-7)

Cross reference(s)—Definitions and rules of construction generally, KBC 1.04.010.

B. *Liability Insurance, Surety Bonds And Cash Or Securities*

1. No person shall operate or cause to be operated any taxicab over and upon the streets of the town without first having in force and effect at all times a policy of liability insurance with company licensed to do business in the state, or providing a surety bond or bonds with corporate sureties approved by the town council or depositing cash or securities with the town treasurer when approved by the town council to cover damages for injury to persons or property in an amount required by the motor vehicles safety and financial responsibility act. Such liability insurance, surety bond or bonds or the deposit of cash or securities shall be conditioned upon the payment of any final judgment rendered on account of any personal injury or property damage caused by any taxicab by operating on any of the streets of the town by or under the direction of such person.
2. Any person who has otherwise qualified for operating taxicabs in the town as provided in this article and who desires to furnish liability insurance provided herein as a condition precedent to the operation of any such taxicab shall file with the town council a copy or duplicate original of any policy or policies of liability insurance carried by such person.
3. Any person who has otherwise qualified for operating taxicabs in the town as provided in this article, who desires to furnish a surety bond or bonds as provided herein in lieu of liability insurance as a condition precedent to the operation of taxicabs on the streets of the town shall first submit in duplicate to the town council such bond or bonds for approval, and, when approved, a duplicate original shall be kept by the town council. Any such bonds given shall accurately identify the taxicabs covered therein.
4. Any person who has qualified to operate taxicabs in the town as provided in this article and who desires to deposit cash or securities in lieu of liability insurance, or in lieu of providing a surety bond or bonds, as herein set forth, as a condition precedent to the operation of any such taxicabs on the streets of

the town, shall deposit with the town treasurer, with approval of the town council, at least the sum or approved securities, equal to twenty-five thousand dollars (\$25,000.00), not less than ten thousand dollars (\$10,000.00) of which to cover injury to any one (1) person in any single accident, and five thousand dollars (\$5,000.00) of which to cover property damage in any single accident the same to be credited upon the payment of any final judgment rendered for injuries and property damages as heretofore provided. Any such insurance, bond or deposit shall also contain a provision for continuing liability thereunder to the full amount therefor notwithstanding any recovery thereon. (Code 1973, § 24-8)

- C. *Operators And Drivers Distinguished.* To operate one (1) or more taxicabs shall mean to engage in the taxicab business with such taxicabs in the town by causing taxicabs which are under one's ownership or control to be propelled, either by himself or by someone under his direction or supervision, for the purpose of carrying passengers for hire. To drive a taxicab shall mean to be physically in control of a taxicab whether or not such taxicab be in motion, when such taxicab is being used for, or is available or ready to be used for the carrying of passengers for hire. A driver is one who drives a taxicab. The same person may or may not be both an operator and a driver. (Code 1973, § 24-9)

AFTER AMENDMENT

10.16.010 Generally

- A. This Article is applicable to Taxicab Businesses that are operated from a Town location.
- B. *Definitions.* The following words, terms and phrases, when used in this Aarticle, shall have the meanings ascribed to them in this Subsection~~subparagraph~~, except where the context clearly indicates a different meaning: *Driver's permit* shall mean a permit issued after examination by which authority is granted to a person to drive a taxicab under this Aarticle. *Operator's license* shall mean the license issued to any person who is the owner of any taxicab operated under this Aarticle. *Taxicab* shall ~~mean~~include every vehicle other than motorbuses operated under the jurisdiction of the State Commission and u-drive-it or self-driven vehicles which shall be used for the purpose of carrying, transporting or conveying persons or passengers from one place to another for which a charge or fee is made. *Taximeter* shall mean a mechanical instrument or device by which the charge for the hire of taxicab at a predetermined rate is mechanically calculated and registered for the distance travelled and for waiting time separately and upon which such charges shall be indicated by means of figures. *Waiting time* shall mean the time consumed while the taxicab is not in motion at the direction of a passenger and ~~the time consumed while the driver is waiting for a passenger~~ and the time consumed while the driver is waiting for a passenger after having responded to a call but does not include the time consumed by a premature response or for the first three (3) minutes following timely arrival in response to the call or for delay caused by traffic interruption or the inefficiency of the taxicab or its driver. (Code 1973, § 24-7) ~~Cross reference(s) — Definitions and rules of construction~~

generally, KBC 1.04.010.

C. *Liability Insurance, Surety Bonds And Cash Or Securities*

1. No person shall operate or cause to be operated any taxicab over and upon the streets of the **T**own without first having in force and effect at all times a policy of liability insurance with company licensed to do business in the state, or providing a surety bond or bonds with corporate sureties approved by the **T**own **C**ouncil or depositing cash or securities with the **T**own **T**reasurer when approved by the **T**own **C**ouncil to cover damages for injury to persons or property in an amount required by the **M**otor **V**ehicles **S**afety and **F**inancial **R**esponsibility **A**ct. Such liability insurance, surety bond or bonds

or the deposit of cash or securities shall be conditioned upon the payment of any final judgment rendered on account of any personal injury or property damage caused by any taxicab by operating on any of the streets of the **T**own by or under the direction of such person.

2. Any person who has otherwise qualified for operating taxicabs in the **T**own as provided in this **A**rticle and who desires to furnish liability insurance provided herein as a condition precedent to the operation of any such taxicab shall file with the **T**own **C**ouncil a copy or duplicate original of any policy or policies of liability insurance carried by such person.
3. Any person who has otherwise qualified for operating taxicabs in the **T**own as provided in this **A**rticle, who desires to furnish a surety bond or bonds as provided herein in lieu of liability insurance as a condition precedent to the operation of taxicabs on the streets of the **T**own shall first submit in duplicate to the **T**own **C**ouncil such bond or bonds for approval, and, when approved, a duplicate original shall be kept by the **T**own **C**ouncil. Any such bonds given shall accurately identify the taxicabs covered therein.
4. Any person who has qualified to operate taxicabs in the **T**own as provided in this **A**rticle and who desires to deposit cash or securities in lieu of liability insurance, or in lieu of providing a surety bond or bonds, as herein set forth, as a condition precedent to the operation of any such taxicabs on the streets of the **T**own, shall deposit with the **T**own **T**reasurer, with approval of the **T**own **C**ouncil, at least the sum or approved securities, equal to twenty-five thousand dollars (\$25,000.00), not less than ten thousand dollars (\$10,000.00) of which to cover injury to any one (1) person in any single accident, and five thousand dollars (\$5,000.00) of which to cover property damage in any single accident the same to be credited upon the payment of any final judgment rendered for injuries and property damages as heretofore provided. Any such insurance, bond or deposit shall also contain a provision for continuing liability thereunder to the full amount therefor notwithstanding any recovery thereon.

(Code 1973, § 24-8)

- D. *Operators And Drivers Distinguished.* To operate one (1) or more taxicabs shall mean to engage in the taxicab business with such taxicabs in the **T**own by causing taxicabs which are under one's ownership or control to be propelled, either by himself or by someone under his direction or supervision, for the purpose of carrying passengers for

hire. To drive a taxicab shall mean to be physically in control of a taxicab whether or not such taxicab be in motion, when such taxicab is being used for, or is available or ready to be used for the carrying of passengers for hire. A driver is one who drives a taxicab. The same person may or may not be both an operator and a driver. (Code 1973, § 24-9)

SECTION 72: **AMENDMENT** “10.16.020 Operators” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.16.020 Operators

- A. *Operator's License Required.* Before any person shall operate a taxicab on the streets of the town, he shall obtain an operator's license. The application for an operator's license shall be in writing and such application shall be filed with the chief of police of the town. After receiving an operator's license, such person shall then be authorized to operate a taxicab within the town. A separate application shall be filed for every vehicle operated as a taxicab, and an operator's license obtained for each such vehicle. (Code 1973, § 24-10)
- B. *Town Council Approval.* The town council shall determine whether or not licenses shall be issued in accordance with this article for the privilege of operating one (1) vehicle, as well as subsequent licenses for the privilege of operating additional vehicles. (Code 1973, § 24-10)
- C. *Transfer; Fee, Expiration Date*
1. The license issued for the operation of any vehicle may be transferred and used to the end of the fiscal year by and with the consent of the town council.
 2. An operator's license shall be issued only in the name of the owner of the taxicab or other motor vehicle.
 3. An annual license fee, as provided in the annual revenue ordinance, shall be charged each owner for each taxicab so operated upon the public streets of the town.
 4. Operator's licenses shall expire on the thirty-first of May following the date of issuance.
(Code 1973, § 24-10)
- D. *Compliance; Prerequisite To Issuance.* No operator's license as provided for in subparagraphs A through C shall be issued with reference to any taxicab in the town until the provisions of KBC 10.16.010 subparagraph B shall have been fully complied with. (Code 1973, § 24-11)
- E. *Maximum Number.* No more than fifty (50) taxicabs are required to meet the requirements for the convenience and necessity of the public. No operator's license to operate additional taxicabs in the town shall hereafter be issued until the total number of licenses outstanding for the operation of taxicabs has been reduced below fifty (50). (Code 1973, § 24-12)

- F. *Regularity Of Operation.* Every person having complied with the provisions of this article and obtained an operator's license, as provided for in subparagraphs A through C, shall operate such taxicab in such business with reasonable regularity. The operator's license of every such operator shall be subject to revocation if such operator fails to operate such taxicab for any period of sixty (60) days. Every operator of a taxicab who fails to operate the same as herein provided over any period of sixty (60) days shall be given ten (10) days' notice to appear before the council to show cause why such license should not be revoked. If, upon such hearing, it shall appear that such taxicab is not being operated in the interest of the convenience and necessity of the public and not being operated with reasonable regularity, the council is authorized to revoke such license. (Code 1973, § 24-13)
- G. *Issuance And Form Of Taxicab Certificates.* Upon compliance with KBC 10.16.010 subparagraph B and upon the issuance of an operator's license, as provided for in subparagraphs A through C, a taxicab certificate shall be issued showing the following:
1. That the operator of such taxicab has complied with the provisions of KBC 10.16.010 subparagraph B by providing liability insurance or the giving of approved surety bond, or deposit in cash, or approved securities as required.
 2. That the public convenience and necessity require the operation of such taxicabs.
- (Code 1973, § 24-14)
- H. *Inspection Of Vehicles.* The town council shall from time to time cause to be made an inspection of taxicabs. If any taxicab shall be found unsafe or unfit for operation, notice shall be given to the holder of the certificate issued therefor under subparagraph H and such taxicab shall not thereafter be operated as a vehicle for transporting persons for hire until it has been put in a safe condition for such operation. Nothing herein shall be construed to relieve any owner or operator of any vehicle from all or any duties imposed by law nor relieve such owner or operator from liability resulting from the unfitness of such vehicle or the negligent operation thereof. (Code 1973, § 24-15)
- I. *Painting On The Names And Numbers*
1. Every taxicab operated within the town shall have the name of the owner legibly painted on each side of the taxicab and on the rear, and the number assigned by the owner. The lettering shall be painted upon the cab at the locations provided and be at least two and one-half (2½) inches high and spaced at least one (1) inch apart. If the taxicab is being operated by a lessee, the name of the lessee shall be prominently displayed on or inside such taxicab.
 2. The numbering and painting of letters and names as provided in this subparagraph shall be considered a condition precedent to the operation of any taxicab within the town. No such taxicab shall be operated in taxicab service or for hire until the same has been marked, numbered and lettered as required by this subparagraph.
- (Code 1973, § 24-16)

Cross reference(s)—Motor vehicles and traffic, KBC 10.

AFTER AMENDMENT

10.16.020 Operators

- A. *Operator's License Required.* Before any person shall operate a taxicab on the streets of the **T**town, ~~they~~he shall obtain an operator's license. The application for an operator's license shall be in writing and such application shall be filed with the **C**chief of **P**police of the **T**town. After receiving an operator's license, such person shall then be authorized to operate a taxicab within the **T**town. A separate application shall be filed for every vehicle operated as a taxicab, and an operator's license obtained for each such vehicle. (Code 1973, § 24-10)
- B. *Town Council Approval.* The **T**town **C**council shall determine whether or not licenses shall be issued in accordance with this **A**article for the privilege of operating one (1) vehicle, as well as subsequent licenses for the privilege of operating additional vehicles. (Code 1973, § 24-10)
- C. *Transfer; Fee, Expiration Date*
1. The license issued for the operation of any vehicle may be transferred and used to the end of the fiscal year by and with the consent of the **T**town **C**council.
 2. An operator's license shall be issued only in the name of the owner of the taxicab or other motor vehicle.
 3. An annual license fee, as provided in the annual revenue ordinance, shall be charged each owner for each taxicab so operated upon the public streets of the **T**town.
 4. Operator's licenses shall expire on the thirty-first of May of the year following the date of issuance.
(Code 1973, § 24-10)
- D. *Compliance; Prerequisite To Issuance.* No operator's license as provided for in **S**ubsections~~subparagraphs~~ **A** through **C** shall be issued with reference to any taxicab in the **T**town until the provisions of KBC 10.16.010 **S**ubsection~~subparagraph~~ **B** shall have been fully complied with. (Code 1973, § 24-11)
- E. *Maximum Number.* No more than fifty (50) taxicabs are required to meet the requirements for the convenience and necessity of the public. No operator's license to operate additional taxicabs in the **T**town shall hereafter be issued until the total number of licenses outstanding for the operation of taxicabs has been reduced below fifty (50). (Code 1973, § 24-12)
- F. *Regularity Of Operation.* Every person having complied with the provisions of this **A**article and obtained an operator's license, as provided for in **S**ubsections~~subparagraphs~~ **A** through **C**, shall operate such taxicab in such business with reasonable regularity. The operator's license of every such operator shall be subject to revocation if such operator fails to operate such taxicab for any period of sixty (60) days. Every operator of a taxicab who fails to operate the same as herein provided over any period of sixty (60) days shall be given ten (10) days' notice to appear before the **C**council to show cause why such license should not be revoked. If,

upon such hearing, it shall appear that such taxicab is not being operated in the interest of the convenience and necessity of the public and not being operated with reasonable regularity, the Council is authorized to revoke such license. (Code 1973, § 24-13)

G. *Issuance And Form Of Taxicab Certificates.* Upon compliance with KBC 10.16.010 ~~Subsection~~subparagraph B and upon the issuance of an operator's license, as provided for in ~~Subsections~~subparagraphs A through C, a taxicab certificate shall be issued showing the following:

1. That the operator of such taxicab has complied with the provisions of KBC 10.16.010 ~~Subsection~~subparagraph B by providing liability insurance or the giving of approved surety bond, or deposit in cash, or approved securities as required.
2. That the public convenience and necessity require the operation of such taxicabs.

(Code 1973, § 24-14)

H. *Inspection Of Vehicles.* The Town Council shall from time to time cause to be made an inspection of taxicabs. If any taxicab shall be found unsafe or unfit for operation, notice shall be given to the holder of the certificate ~~issued therefor under subparagraph H~~ and such taxicab shall not thereafter be operated as a vehicle for transporting persons for hire until it has been put in a safe condition for such operation. Nothing herein shall be construed to relieve any owner or operator of any vehicle from all or any duties imposed by law nor relieve such owner or operator from liability resulting from the unfitness of such vehicle or the negligent operation thereof. (Code 1973, § 24-15)

I. *Painting On The Names And Numbers*

1. Every taxicab operated within the Town shall have the name of the owner legibly painted on each side of the taxicab and on the rear, and the number assigned by the owner. The lettering shall be painted upon the cab at the locations provided and be at least two and one-half (2½) inches high and spaced at least one (1) inch apart. If the taxicab is being operated by a lessee, the name of the lessee shall be prominently displayed on or inside such taxicab.
2. The numbering and painting of letters and names as provided in this ~~S~~subparagraph shall be considered a condition precedent to the operation of any taxicab within the Town. No such taxicab shall be operated in taxicab service or for hire until the same has been marked, numbered and lettered as required by this ~~S~~subparagraph.

(Code 1973, § 24-16)

~~Cross reference(s)—Motor vehicles and traffic, KBC 10.~~

SECTION 73: AMENDMENT “10.16.030 Drivers” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.16.030 Drivers

A. *Driver's Permit Required; Application*

1. No person shall drive any taxicab until such person shall have been granted a permit by the town council.
2. Each application for a permit shall contain the following:
 - a. The name, age and address of the applicant;
 - b. A statement on whether the applicant has been convicted of a felony, the violation of any federal or state statute relating to the use, possession or sale of intoxicating liquors, any federal or state statute relating to prostitution or any federal or state statute relating to the use, possession or sale of narcotic drugs;
 - c. Whether such applicant is a citizen of the United States;
 - d. Whether the applicant is a habitual user of intoxicating liquors or narcotic drugs;
 - e. Whether the applicant has been a habitual violator of traffic laws and ordinances;
 - f. The name of the owner of each vehicle for which a permit and license is applied;
 - g. The motor and serial number, if a motor vehicle, and such description of each vehicle as is required for the proper identification.
(Code 1973, § 24-17)

B. *Examination*

1. Each applicant for a driver's permit shall pass such examination as to ability and fitness to drive a taxicab and as to his general knowledge of the laws regulating the operation of such vehicle and the traffic regulations of the town as the town council shall prescribe.
2. If such applicant shall fail to pass such examination, no driver's permit shall be issued. Before the driver's permit is granted by the town council, the applicant therefor shall also furnish his photograph and fingerprint record.
(Code 1973, § 24-17)

C. *Issuance; Display Of Permit*

1. Each driver's permit issued by the town council under this subparagraph shall indicate the name, age, sex, color and residence of the permittee and a copy of the photograph of the permittee and shall be attached thereto.
2. Every driver of a taxicab shall, at all times while driving the same upon the public streets of the town, carry and display in such taxicab the driver's permit issued to him under this subparagraph.
(Code 1973, § 24-17)

D. *Expiration; Transfer; Revocation; Fee*

1. All drivers' permits shall expire on May 31 following the date of issuance.
2. No permit issued under the provisions of this subparagraph shall be transferable. Every such permit shall be subject to cancellation by the town

council for the violation of any of the provisions of this article or any state law governing and regulating the operation of taxicabs.

3. A driver's permit shall be issued only to the owner or lessee of the vehicle or an employee of such owner or lessee. A lessee shall not be required to hold an operator's license in addition to a driver's permit.
4. A charge of one dollar (\$1.00) shall be made for the issuance of a driver's permit.
(Code 1973, § 24-17)

- E. *Driver's Identification Card.* When a driver's permit is granted under the provisions of this section, the town council shall issue to the permittee an identification card, which card shall show the name, age, sex, description and residence of the person to whom such driver's permit was granted together with the date of issuance of such driver's permit. (Code 1973, § 24-18)
- F. *Soliciting Fares And Persons For Transportation.* Whenever any taxicab is being operated upon such streets of the town the driver thereof shall not leave his taxicab for the purpose of soliciting passengers and fares a distance greater than ten (10) feet from such taxicab, except upon request to assist in the handling of baggage by a passenger or prospective passenger. (Code 1973, § 24-19)
- G. *Duty Of Driver To Give Information To Passenger.* The driver of a taxicab shall, upon the request of any passenger, give to such passenger the correct name and address of such driver and such other information as will identify the vehicle, driver and owner thereof. (Code 1973, § 24-20)

Cross reference(s)—Motor vehicles and traffic, KBC 10.

AFTER AMENDMENT

10.16.030 Drivers

A. *Driver's Permit Required; Application*

1. No person shall drive any taxicab until such person shall have been granted a permit by the **T**town **C**ouncil.
2. Each application for a permit shall contain the following:
 - a. The name, age and address of the applicant;
 - b. A statement on whether the applicant has been convicted of a felony, the violation of any federal or state statute relating to the use, possession or sale of intoxicating liquors, any federal or state statute relating to prostitution or any federal or state statute relating to the use, possession or sale of narcotic drugs;
 - c. Whether such applicant is a citizen of the United States;
 - d. Whether the applicant is a habitual user of intoxicating liquors or narcotic drugs;
 - e. Whether the applicant has been a habitual violator of traffic laws and ordinances;
 - f. The name of the owner of each vehicle for which a permit and license is applied;

- g. The motor and serial number, if a motor vehicle, and such description of each vehicle as is required for the proper identification.
(Code 1973, § 24-17)

B. *Examination*

1. Each applicant for a driver's permit shall pass such examination as to ability and fitness to drive a taxicab and as to his general knowledge of the laws regulating the operation of such vehicle and the traffic regulations of the Ttown as the Ttown Council shall prescribe.
2. If such applicant shall fail to pass such examination, no driver's permit shall be issued. Before the driver's permit is granted by the Ttown Council, the applicant therefor shall also furnish his photograph and fingerprint record.
(Code 1973, § 24-17)

C. *Issuance; Display Of Permit*

1. Each driver's permit issued by the Ttown Council under this Section~~subparagraph~~ shall indicate the name, age, sex, color and residence of the permittee and a copy of the photograph of the permittee and shall be attached thereto.
2. Every driver of a taxicab shall, at all times while driving the same upon the public streets of the town, carry and display in such taxicab the driver's permit issued to him under this Section~~subparagraph~~.
(Code 1973, § 24-17)

D. *Expiration; Transfer; Revocation; Fee*

1. All drivers' permits shall expire on May 31 of the year following the date of issuance.
2. No permit issued under the provisions of this Section~~subparagraph~~ shall be transferable. Every such permit shall be subject to cancellation by the Ttown Council for the violation of any of the provisions of this Article or any state law governing and regulating the operation of taxicabs.
3. A driver's permit shall be issued only to the owner or lessee of the vehicle or an employee of such owner or lessee. A lessee shall not be required to hold an operator's license in addition to a driver's permit.
- ~~4. A charge of one dollar (\$1.00) shall be made for the issuance of a driver's permit.~~
(Code 1973, § 24-17)

E. *Driver's Identification Card*. When a driver's permit is granted under the provisions of this Section, the Ttown Council shall issue to the permittee an identification card, which card shall show the name, age, sex, description and residence of the person to whom such driver's permit was granted together with the date of issuance of such driver's permit. (Code 1973, § 24-18)

F. *Soliciting Fares And Persons For Transportation*. Whenever any taxicab is being operated upon such streets of the Ttown the driver thereof shall not leave his taxicab for the purpose of soliciting passengers and fares a distance greater than ten (10) feet from such taxicab, except upon request to assist in the handling of baggage by a passenger or prospective passenger. (Code 1973, § 24-19)

G. *Duty Of Driver To Give Information To Passenger*. The driver of a taxicab shall, upon the request of any passenger, give to such passenger the correct name and address of

such driver and such other information as will identify the vehicle, driver and owner thereof. (Code 1973, § 24-20)

~~Cross reference(s) — Motor vehicles and traffic, KBC 10.~~

SECTION 74: AMENDMENT “10.16.040 Rates” of the Town of Kure Beach Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.16.040 Rates

- A. *Taximeters Required.* It shall be unlawful for any person to operate any taxicab in the town unless such taxicab is equipped with a taximeter of a type and design which shall be approved by the police department. It shall be the duty of the person operating such taxicab and also the driver to keep such meters operating at all times within five (5) percent of absolute accuracy. No passenger shall be carried in such taxicab unless such taximeter shall be in operation and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation, and during any waiting time. (Code 1973, § 24-21)
- B. *Installation And Location Of Taximeters.* Each taximeter installed under this section must be installed so as to be given direct from the taxicab transmission or connected with the speedometer driving shaft to the taximeter head itself and it shall be placed in each taxicab so that the reading dial showing the amount to be charged shall be easily seen and read by a passenger riding in any part of the taxicab. (Code 1973, § 24-22)
- C. *How Charge Indicated By Taximeter; Flag; Light.* Taximeters installed under this article shall indicate the charge by means of legible figures which are electrically lighted each time the taximeter flag is thrown from a nonearning to an earning position. Each taximeter shall be equipped with a tamperproof switch and electrical system so that when the flag is in the nonearning position a light operating at the same time, located on the exterior of the taxicab will be lighted. The type, design and location of the light shall be approved by the police department. No taxicab shall be driven or operated for hire if the light is out of order. At all time, while the taxicab is engaged, the flag of the taximeter shall be thrown into position to register charges for mileage or into a position to register charges for waiting time. It shall be unlawful for any driver of any taxicab while carrying passengers to display the flag attached to the taximeter in such a position as to denote that such vehicle is unemployed to fail to throw the flag of the taximeter to a position indicating that such vehicle is unemployed at the termination of each and every service. The flag shall not be changed to the nonearning position until after the fare is paid. (Code 1973, § 24-23)
- D. *Inspection, Approval, Etc, Of Taximeters.* No person shall drive a taxicab to which is attached a taximeter that has not been duly inspected and approved by the police department. All taximeters shall be inspected and checked for accuracy by the police department periodically at the times and places prescribed by the police department. In

addition, every taximeter used in the operation of taxicab shall be subject to inspection at any time by the police department. Upon the discovery of any inaccuracy in the taximeter, the operator thereof shall remove or cause to be removed from service the vehicle equipped with taximeter until such taximeter shall have been repaired and accurately adjusted. (Code 1973, § 24-24)

- E. *Sealing And Repair Of Taximeter.* It shall be unlawful for any person other than the owner's repairman previously approved by the police department and the person designated by the police department to break the seal on or undertake to repair any taximeter installed under this section. After any taximeter has been repaired and the seal has been broken, the taxicab must be presented to the police department for inspection and approval for accuracy and proper operation before such taxicab is again placed in operation for hire. (Code 1973, § 24-25)
- F. *Multiple Passengers.* If the taxicab is occupied by more than one (1) passenger and they are not to be discharged at the same destination, the first passenger leaving the taxicab shall be chargeable for the amount of fare shown on the taximeter and before proceeding to transport the remaining passenger or passengers to his or their designation, the flag shall again be placed in earning position so as to designate the beginning of a new and separate trip as to the remaining passenger or passengers in a taxicab and such process shall be repeated each time a passenger reaches his destination and alights from the taxicab so that the remaining passenger or passengers leaving the taxicab shall be chargeable with such fare appearing upon the taximeter upon leaving the taxicab. (Code 1973, § 24-26)
- G. *Schedule Of Charges.* No person owning or operating or controlling any taxicab within the limits of the town shall charge, collect or receive any other than the schedule of rates which are on file in the town clerk's office to be determined by the taximeter. (Code 1973, § 24-27)
- H. *Posting Of Rate.* There shall be posted in a conspicuous place on the inside of each taxicab operated under this article a card showing the rate charged by such taxicab for the distance traveled and the waiting time. (Code 1973, § 24-28)
- I. *Refusal To Pay Charges.* It shall be unlawful for any person to fraudulently engage or use any taxicab, not intending at the time to pay for the use of the same, and then refuse to pay the rates prescribed. (Code 1973, § 24-29)

AFTER AMENDMENT

10.16.040 Rates

- A. *Taximeters Required.* It shall be unlawful for any person to operate any taxicab in the **T**town unless such taxicab is equipped with a taximeter of a type and design which shall be approved by the **P**police **D**department. It shall be the duty of the person operating such taxicab and also the driver to keep such meters operating at all times within five (5) percent of absolute accuracy. No passenger shall be carried in such taxicab unless such taximeter shall be in operation and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation, and during any waiting time. (Code 1973, § 24-21)

- B. *Installation And Location Of Taximeters.* Each taximeter installed under this **S**section must be installed so as to be given direct **feed** from the taxicab transmission or connected with the speedometer driving shaft to the taximeter head itself and it shall be placed in each taxicab so that the reading dial showing the amount to be charged shall be easily seen and read by a passenger riding in any part of the taxicab. (Code 1973, § 24-22)
- C. *How Charge Indicated By Taximeter; Flag; Light.* Taximeters installed under this **Section** shall indicate the charge by means of legible figures which are electrically lighted each time the taximeter flag is thrown from a nonearning to an earning position. Each taximeter shall be equipped with a tamperproof switch and electrical system so that when the flag is in the nonearning position a light operating at the same time, located on the exterior of the taxicab will be lighted. The type, design and location of the light shall be approved by the **P**police **D**department. No taxicab shall be driven or operated for hire if the light is out of order. At all time, while the taxicab is engaged, the flag of the taximeter shall be thrown into position to register charges for mileage or into a position to register charges for waiting time. It shall be unlawful for any driver of any taxicab while carrying passengers to display the flag attached to the taximeter in such a position as to denote that such vehicle is unemployed to fail to throw the flag of the taximeter to a position indicating that such vehicle is unemployed at the termination of each and every service. The flag shall not be changed to the nonearning position until after the fare is paid. (Code 1973, § 24-23)
- D. *Inspection, Approval, Etc. Of Taximeters.* No person shall drive a taxicab to which is attached a taximeter that has not been duly inspected and approved by the **P**police **D**department. All taximeters shall be inspected and checked for accuracy by the **P**police **D**department periodically at the times and places prescribed by the **P**police **D**department. In addition, every taximeter used in the operation of taxicab shall be subject to inspection at any time by the **P**police **D**department. Upon the discovery of any inaccuracy in the taximeter, the operator thereof shall remove or cause to be removed from service the vehicle equipped with taximeter until such taximeter shall have been repaired and accurately adjusted. (Code 1973, § 24-24)
- E. *Sealing And Repair Of Taximeter.* It shall be unlawful for any person other than the owner's repairman previously approved by the **P**police **D**department and the person designated by the **P**police **D**department to break the seal on or undertake to repair any taximeter installed under this **S**section. After any taximeter has been repaired and the seal has been broken, the taxicab must be presented to the **P**police **D**department for inspection and approval for accuracy and proper operation before such taxicab is again placed in operation for hire. (Code 1973, § 24-25)
- F. *Multiple Passengers.* If the taxicab is occupied by more than one (1) passenger and they are not to be discharged at the same destination, the first passenger leaving the taxicab shall be chargeable for the amount of fare shown on the taximeter and before proceeding to transport the remaining passenger or passengers to ~~his or~~ their **destination** **designation**, the flag shall again be placed in earning position so as to designate the beginning of a new and separate trip as to the remaining passenger or passengers in a taxicab and such process shall be repeated each time a passenger reaches **their** ~~his~~ destination and alights from the taxicab so that the remaining passenger or passengers leaving the taxicab shall be chargeable with such fare

appearing upon the taximeter upon leaving the taxicab. (Code 1973, § 24-26)

- G. *Schedule Of Charges.* No person owning or operating or controlling any taxicab within the limits of the **T**own shall charge, collect or receive any other than the schedule of rates which are on file in the **T**own **C**lerk's office to be determined by the taximeter. (Code 1973, § 24-27)
- H. *Posting Of Rate.* There shall be posted in a conspicuous place on the inside of each taxicab operated under this **A**rticle a card showing the rate charged by such taxicab for the distance traveled and the waiting time. (Code 1973, § 24-28)
- I. *Refusal To Pay Charges.* It shall be unlawful for any person to fraudulently engage or use any taxicab, not intending at the time to pay for the use of the same, and then refuse to pay the rates prescribed. (Code 1973, § 24-29)

SECTION 75: **ADOPTION** “15.40.130 Real Estate Signs” of the Town of Kure Beach Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

15.40.130 Real Estate Signs (Non-existent)

AFTER ADOPTION

15.40.130 Real Estate Signs(*Added*)

- A. Real estate signs placed upon any property within the Town shall be limited to one (1) sign only.
- B. No real estate sign may be placed upon the right-of-way of the Town.
- C. For any violation of this Section, the Code Enforcement Officer is authorized to remove said sign and may issue a civil citation imposing a civil penalty in the amount set forth on the Town Fee Schedule.

PASSED AND ADOPTED BY THE TOWN OF KURE BEACH COUNCIL
NOVEMBER 18, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Commissioner John Ellen	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Connie Mearkle	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner David Heglar	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Commissioner Dennis Panicali	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mayor Allen Oliver	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Allen Oliver, Mayor, Town of Kure
Beach



Beth Chase, Town Clerk, Town of
Kure Beach

