



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, November 6, 2024 @ 6:00 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday, November 6, 2024 @ 6:00 p.m. A quorum of members was present, and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Byron Ashbridge
Vice-Chair Joe Barlok
Member Jim Dugan
Member Craig Galbraith
Member Tony Karboski

P&Z MEMBERS ABSENT

Alternate Member Brittany Evans

STAFF PRESENT

Beth Chase, Town Clerk
Mandy Sanders, Director of Administration
Bethany White, Code Enforcement Officer

COUNCIL LIAISON PRESENT

Commissioner Dennis Panicali

CALL TO ORDER

Chairman Ashbridge called the meeting to order at 6:00 p.m.

ADOPTION OF THE AGENDA

MOTION – Member Barlok made a motion to adopt the agenda as presented

SECOND – Member Dugan

VOTE – Unanimous

ADOPTION OF MINUTES

- October 2, 2024 Regular Meeting

MOTION – Member Dugan made a motion to adopt the minutes as presented

SECOND – Member Galbraith

VOTE – Unanimous

PUBLIC COMMENT

None



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, November 6, 2024 @ 6:00 pm

OLD BUSINESS

1. Proposed Text Amendments to KBC Chapters 8-10 and 15

Member Barlok reviewed and the Commission reported on the KBC Chapters 8-10 and 15 that is hereby incorporated into the minutes.

MOTION- Member Galbraith made a motion to recommend the proposed text amendments to KBC Chapters 8-10 and 15

SECOND- Member Dugan

VOTE- Unanimous

NEW BUSINESS

1. Discussion of future P&Z initiatives

Member Galbraith stated over the past 30 years PZC has covered a variety of situations. He thinks the Commission may want to do research regarding impervious surfaces to help with the drainage in Town. This issue has come up by a resident at a Town Council meeting. Also the rising sea level is an issue and he will probably bring forward the information he included in his email to Town Council.

OLD BUSINESS

None.

ADJOURNMENT


MOTION –Member Barlok made a motion to adjourn the meeting at 8:03 p.m.

SECOND – Member Karboski

VOTE – Unanimous

ATTEST:


Beth Chase, Town Clerk


Byron Ashbridge, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning.

8 PUBLIC HEALTH AND SAFETY

8.02 NUISANCES

8.04 NOISE

8.06 FIRE NUISANCES

8.08 REMOVAL AND DISPOSITION OF ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

~~8.10 REAL ESTATE SIGNS RESERVED (Moved to 15.40.130)~~

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

8.02 NUISANCES

8.02.010 Nuisances Declared; Enumeration

8.02.015 Graffiti Nuisance

8.02.016 Light Trespass Nuisance

8.02.020 Complaint; Investigation

8.02.030 Notice To Abate

8.02.040 Abatement By Town - Upon Failure Of Owner

8.02.050 ~~Same~~ - Costs Charged To Owner

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

8.02.070 Additional Remedies

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, **grocery food** 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 **T**own;
- 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 **C**ounty **H**health **D**epartment.

(Ord. of 7-21-92)

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 shall mean~~ 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 ~~graffiting 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.

8.02.016 Light Trespass Nuisance

- A. *Findings and purpose.*
1. *Findings.* ~~Town-Council finds that the~~ ~~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 P~~rohibited 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 ~~L~~ 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 ~~L~~ lighting of trees, shrubs, other plant material, water features, and sculptural objects.

Lumen shall mean ~~T~~ the light-output rating of a lamp. It is a unit of light quantity equal to the light on a unit surface all points of which are at a unit distance from a point source of light having a strength of one candle.

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 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.—(NOTE TO BETH --- renumber 6-11 as 5-10)~~
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 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~~ ~~Subsection 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.~~ [Beth – the deletion should result in re-numbering 2 and 3 below]
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.

8.02.020 Complaint; Investigation

The ~~b~~Building ~~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 ~~e~~County ~~h~~Health ~~d~~epartment official, or ~~t~~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~~Section.

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.

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~~Town ~~e~~Council approval to cause said condition to be removed or otherwise abated by having employees of the ~~t~~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 ~~t~~Town ~~e~~Council. In the event the employees or designated persons are denied entry on to the property, the ~~t~~Town shall have recourse to any available remedy in law or equity to secure entry.

(Ord. of 7-21-92)

8.02.050 ~~Same~~– Costs Charged To Owner

- A. The actual cost incurred by the ~~t~~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 ~~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 ~~t~~Town ~~e~~Council.
- B. In the event the ~~t~~Town commences a civil action to collect an unpaid civil citation or obtain an order of abatement, the ~~t~~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.

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 ~~t~~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.

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 \$25.00 as 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.

8.04 NOISE

8.04.010 Certain Noises Prohibited

8.04.020 Violation

Cross reference(s)—~~Parks and r~~Recreation, KBC 13.14; streets, sidewalks and other public places, KBC 13; motor vehicles and traffic, KBC 10; ~~rental vehicles 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.

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 ~~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 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 ~~week~~days, 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.

8.04.020 Violation

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

8.06.040 Enforcement

Any person violating the provisions of this article shall be subject to a civil penalty of ~~\$50.00 in the amount set forth on the Town Fee Schedule~~ 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.

8.08.010 Administration

The ~~Police~~ Department and ~~town~~ Building Inspector of the ~~town~~ shall be responsible for the administration and enforcement of this ~~Article. 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 ~~Article chapter~~ and applicable state laws. Nothing in this ~~Article 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)

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, ~~an abandoned motor vehicle shall mean 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-T~~ shall mean the supervisory employee of the ~~Police d~~Department or the ~~town b~~Building ~~i~~Inspector respectively, designated to authorize the removal of vehicles under the provisions of this ~~Article. chapter.~~

~~Motor vehicle or vehicle-A~~ shall mean 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-A~~ shall mean 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 ~~e~~Council.

(Ord. of 6-19-90)

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)

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~~ ~~b~~Building ~~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)

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 ~~town b~~Building ~~i~~Inspector 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~~Town's ~~z~~Zoning ~~o~~Ordinance, ~~KBC15~~, 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 b~~Building ~~i~~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 ~~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)

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 **€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 **eCouncil** in writing, heard at the next regularly scheduled meeting of the **eCouncil**, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. of 6-19-90)

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 **pPolice dDepartment** 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 ~~the~~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)

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 ~~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 ~~the~~Town. Whenever such a vehicle is removed, the authorizing ~~the~~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~~ authorizing official 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~~paragraphs 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 ~~the~~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~~ them of the information set forth in ~~Subsections~~subparagraphs A through E above.

(Ord. of 6-19-90)

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 eCounty mMagistrate designated by the eChief dDistrict eCourt jJudge 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)

8.08.100 Redemption Of Vehicle During Proceedings

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

(Ord. of 6-19-90)

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

(Ord. of 6-19-90)

8.08.120 Conditions On Removal Of Vehicles From Private Property

As a general policy, the tTown 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 tTown 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 bBuilding iInspector. The tTown may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the tTown against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

(Ord. of 6-19-90)

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)

8.08.140 Exceptions

Nothing in this ~~Article 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)

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 ~~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.

8.10 RESERVED

8.10 REAL ESTATE SIGNS

8.10.010 Placement On Town Property

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.~~

9 ANIMAL SERVICES AND CONTROL

9.02 IN GENERAL

9.04 DOGS

9.06 LIVESTOCK AND EXOTIC ANIMALS

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.

9.02 IN GENERAL

9.02.010 Protection Of Birds - Town Declared Bird Sanctuary

9.02.020 ~~Same~~ Killing Or; Injuring Birds

9.02.030 Destruction Of Animals With Incurable Ailment

9.02.040 Certain Domestic Fowl Prohibited From Running At Large

9.02.050 Specific Regulations For Hens

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.

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 ~~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.

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)

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.

9.04 DOGS

9.04.010 Leash Required

9.04.020 Animal Defecation

9.04.030 Dogs On Beach

9.04.040 Enforcement

9.04.050 Penalty

Cross reference(s)—Buildings and building regulations, KBC 11; nuisances, KBC 8; streets, sidewalks and other public places, KBC 13; subdivisions, KBC 14; zoning, KBC 15.

State law reference(s)—Authorization to regulate, restrict and prohibit domestic animals running at large, G.S. § 160A-186; annual license tax authorized, G.S. § 160A-212; confinement of vicious dogs, G.S. § 106.381; rabies, G.S. § 106.364 et seq.

9.04.010 Leash Required

It shall be unlawful for any person to allow their dog to be off their property without being on a leash or restraint which shall not exceed fifteen (15) feet in length.

(Code 1973, § 5-10; Ord. of 10-27-98)

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.

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)

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. citation in the amount of seventy-five dollars (\$75.00) 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. one hundred dollars (\$100.00).

9.06.010 Purpose

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

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—A shall mean an animal that:

- A. 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;
- B. Is classified as a wild animal by the North Carolina Wildlife Commission; or
- C. 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—P shall mean 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 shall mean 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.

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 ~~a~~Article.

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

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))

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.

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 ~~b~~Building ~~i~~Inspector in conformity with the provisions of this ~~a~~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 ~~b~~Building ~~i~~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 ~~b~~Building ~~i~~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 ~~s~~Section apply to all exotic animals and livestock present within the ~~t~~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 ~~s~~Section may be revoked by the ~~b~~Building ~~i~~nspector for any violation of this ~~a~~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 ~~b~~Building ~~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.

9.06.060 Application Denial Procedure

- A. The ~~b~~Building ~~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~~Building ~~i~~nspector shall process all complete and accurate livestock permit applications within ten (10) business days of the ~~t~~Town's receipt of the same. The ~~b~~Building ~~i~~nspector shall provide written notice to the applicant of ~~his/her~~ the decision provided that an application meeting the standards of this ~~a~~Article shall be granted and a permit issued.
- C. An application that has been denied and later resubmitted in conformity with this ~~a~~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))

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~~Article shall be sufficient grounds upon which to revoke a permit.
- C. Revoking a permit does not in any way preclude or limit the ~~t~~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~~Article.

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.~~

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 ~~a~~Article may be held jointly or severally liable for the violation and be subjected to the enforcement remedies and penalties set forth herein.

9.06.100 Violations, Enforcement And Penalties

- A. The following, without limitation, shall constitute violations of this ~~a~~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 ~~t~~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.~~

- ~~1. Violations of this aArticle shall be enforced in accordance with the provisions of KBC 1.08.010 and KBC 1.08.020.~~
- ~~2. In addition, violations of this aArticle shall be deemed to constitute a public nuisance such that the provisions of KBC 8.02, shall be fully applicable.~~

10 MOTOR VEHICLES AND TRAFFIC

10.02 IN GENERAL

10.04 TRAFFIC-CONTROL DEVICES

10.06 OPERATION OF VEHICLES

10.08 TRAFFIC CONTROL ON SPECIFIC STREETS

10.10 STOPPING, STANDING AND PARKING

10.12 MOTORCYCLES, MOTORIZED BICYCLES AND BICYCLES

10.14 RENTAL VEHICLES

10.16 TAXICABS

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 ~~and~~ recycling, 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 ~~Part Subsection A~~; taxicab drivers permit required, KBC 10.16.030 ~~Part Subsection 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.

10.02 IN GENERAL

10.02.010 Definitions

10.02.020 Compliance With Chapter

10.02.010 Definitions

The words and phrases when used in this eChapter shall, for the purposes of this eChapter, 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.~~

10.02.020 Compliance With Chapter

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

(Code 1973, § 14-2)

10.04 TRAFFIC-CONTROL DEVICES

10.04.010 Intersections At Which Automatic Signaling Devices Are Installed - Enumeration

10.04.020 ~~Same~~—Designation As Traffic Zones

10.04.030 Pedestrian Lanes

10.04.040 Signs As Prerequisite To Enforcement

State law reference(s)—Traffic control authority, G.S. § 160A-300.

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.~~

10.04.020 ~~Same~~—Designation As Traffic Zones

Street intersections designated in KBC 10.04.010 shall be designated and known as traffic zones, and the provisions of KBC 10.04.030, shall apply to all traffic zones and signal lights so provided for.

(Code 1973, § 14-21)

10.04.030 Pedestrian Lanes

On either side of or over the center of each of the street intersections, as provided in KBC 10.04.010, where automatic signal lights are now or may be installed, two (2) white lines shall be provided across each street substantially at right angles to the direction of the street. The space between such lines shall be used by pedestrians crossing the streets.

(Code 1973, § 14-22)

10.04.040 Signs As Prerequisite To Enforcement

No provisions of this eChapter 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 sSection, such sSection shall be effective without signs being placed to give notice thereof.

(Code 1973, § 14-29)

10.06 OPERATION OF VEHICLES

10.06.010 Generally

10.06.020 Speed Limits

10.06.030 Rules Of The Road

10.06.040 Motor Vehicles On The Beach Strand

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, **motorized bicycle**, motorcycle, coaster, sled, rollerskates or any toy vehicle to attach such bicycle, **motorized bicycle**, motorcycle, coaster, sled, rollerskates or toy vehicle, or **him** **oneself**, 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 ~~s~~Subsection ~~paragraph or any part hereof~~ shall be subject to a civil penalty, as ~~set forth on listed in~~ the Town Fee Schedule. ~~, of ten dollars (\$10.00) for each offense or violation. (Code 1973, § 14-19) (NOTE—must add this to the Fee Schedule).~~

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. ~~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 ~~e~~Chief of ~~p~~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 ~~citation~~ penalty in the amount ~~of \$50.00 as listed in 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)

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~~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 ~~the~~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.

HISTORY

Amended by Ord. 10.06.020 Speed Limit on 11/18/2020

10.06.030 Rules Of The Road

- A. *Driving Through Funeral Procession.* When any funeral procession is passing along any street in the ~~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 ~~the~~Town ~~p~~Police and ~~f~~Fire ~~d~~Departments or to ~~a~~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 eChief of pPolice 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 eChief of pPolice 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~~ **Subsection D**, at an intersection, ~~it~~ ~~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.

[discuss removal of [10.06.040 Motor Vehicles On The Beach Strand](#)]

[10.08.010 Generally](#)

[10.08.020 ~~Through Streets \(Reserved\)~~](#)

[10.08.030 Stop Streets](#)

[10.08.040 One-Way Streets](#)

[10.08.010 Generally](#)

A. *Right Turn Only.* All traffic traveling North and South on 3rd Avenue, upon reaching the intersection of 3rd Avenue and K Avenue, must turn right only. Appropriate signs shall be posted. (Ord. of 4-20-04)

[10.08.020 ~~Through Streets \(Reserved\)~~](#)

[10.08.030 Stop Streets](#)

A. *Designation Of Stop Intersections.* The intersections designated as stop intersections are shown upon the document known as ~~d~~Designated ~~s~~Stop ~~i~~Intersections on file in the ~~t~~Town eClerk's office and the Kure Beach Police Department subject to approval of the ~~t~~Town eCouncil. (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~~Article, the driver of every vehicle proceeding on the avenue first designated in **Subsection ~~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 ~~e~~Chief of ~~p~~Police 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.~~

10.08.040 One-Way Streets

- A. *Movement Of Vehicular Traffic When Signs Are Erected*. When signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited, vehicular traffic shall move only in the indicated direction. (Code 1973, § 14-67)
- B. *Trucks Prohibited On Atlantic Avenue North*. It shall be unlawful for any person to operate a truck weighing more than six (6) tons on Atlantic Avenue North from K Avenue in Kure Beach. (Ord.of 3-19-13)

10.10 STOPPING, STANDING AND PARKING

10.10.010 Generally

10.10.020 Parking Rules

10.10.030 Parking Spaces For Commercial Vehicles

10.10.040 Parking Spaces For The Disabled

10.10.050 Parking Violations During State Of Emergency

State law reference(s)—Authority to regulate parking, G.S. § 160A-301.

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 the ~~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 ~~R~~ 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 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 ~~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 eChapter, 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 pPolice eOfficer. (Ord. of 6-25-18(1))

C. *Civil Penalty For Violations*

1. Any owner or operator of a vehicle violating the provisions of this aArticle shall be subject to a civil penalty in the amount ~~of \$35.00 as set forth specified on the Town Fee Schedule. of twenty five dollars (\$25.00) for each violation; provided that~~ 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.~~an owner or operator of a vehicle illegally parking in a designated handicapped parking space in violation of KBC 10.10.040 10.10.020 subparagraph J shall be subject to a civil penalty according to the General Statute as specified in KBC 10.10.040. in the amount of two hundred and fifty dollars (\$250.00).~~ [discuss 35 and 250]
2. *Generally.* The owner or operator of any vehicle who has been notified of a violation of this aArticle 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 pPolice dDepartment 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 aArticle. 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 tTown in a civil action in the nature of a debt.

4. *Disposition of proceeds.* All civil penalties paid to the ~~the~~ ~~Town~~ for violations of this ~~a~~Article shall be paid into the ~~the~~ ~~Town's~~ ~~g~~General ~~f~~Fund.

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

D. *Ticketing Of Vehicles*

1. *Required.* Whenever an officer of the ~~the~~ ~~Town's~~ ~~p~~Police ~~d~~Department 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 ~~e~~Chief may determine, to the vehicle.
- ~~2.~~ *Contents.* The notice or ticket shall require the owner or operator to appear before the ~~p~~Police ~~e~~Chief 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 ~~subparagraph Subsection C~~ above. ~~Failure to meet this deadline shall result in a twenty-five dollar (\$25.00) late fee as set forth on the Town Fee Schedule.~~
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 ~~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 ~~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 ~~subparagraph Subsection~~, 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))

HISTORY

Amended by Ord. [10.10.010](#) on 1/21/2020

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 ~~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 ~~subparagraph~~ **Subsection** shall subject the offender to the imposition of a civil penalty as provided for in KBC 10.10.010 ~~subparagraph~~ **Subsection C**.
6. The prohibitions in this ~~a~~Article shall not apply to ~~Town~~, ~~e~~Emergency and ~~p~~Public ~~s~~Service vehicles whose operators are performing services for which they are responsible ~~not nor~~ 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 ~~p~~Public ~~w~~Works ~~d~~Department shall, when authorized and directed to do so by ~~t~~Town ~~e~~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~~ Article, 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~~ Subsection,

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 ~~e~~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 ~~t~~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.
------	----------------------

643	Fort Fisher Blvd. S.
541	Fort Fisher Blvd. S.
443	Fort Fisher Blvd. S.
343	Fort Fisher Blvd. S.
227	Fort Fisher Blvd. S.
139	Fort Fisher Blvd. S.
334	Fort Fisher Blvd. S.

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

HISTORY

Amended by Ord. [10.10.020](#) on 1/21/2020

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 ~~the pier~~ **Kure 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))

10.10.040 Reserved ~~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))*~~

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 Article~~ may be subject to a civil penalty in the amount set forth on the Town Fee Schedule. ~~ited for a civil citation as specified in the Town Fee Schedule. in the amount of \$75.00.—~~[this will be added to the fee schedule]

HISTORY

Adopted by Ord. 10.10.050 on 4/24/2020

10.12 MOTORCYCLES, MOTORIZED BICYCLES AND BICYCLES

10.12.010 Generally

10.12.020 Bicycles

State law reference(s)—Motorcycles, G.S. §§ 20-140.4, 20-146.1; bicycles, G.S. §§ 20-129, 20-171.2.

10.12.010 Generally

- A. ~~Riding On Handlebars, Bars, 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 handlebars, bars, frame or tank of any such motorcycle or bicycle. It shall be unlawful for any person to ride upon the handlebars, bars, frame or tank of such motorcycle or bicycle. (Code 1973, § 14-13)
- B. ~~Hands On Handlebars 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 of the Town without having his hands upon the handlebars. bars. (Code 1973, § 14-14)

10.12.020 Bicycles

- A. *Definition Of Bicycle.* A bicycle, for the purposes of this ~~section Article~~, 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.
2. ~~An Electric Bicycle (E-Bike), without pedals, is considered a Moped.~~

~~**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 Article~~ 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~~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 ~~t~~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 ~~t~~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 sSection. (Code 1973, § 14-103)
- Q. *Application*. This sSection shall apply whenever a bicycle is operated upon any public street or public way within the tTown. (Code 1973, § 14-104)
- R. *Penalty*. Violations of the provisions of this echapter Article 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 tTown 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 \$25.00 as specified in set forth on the Town Fee Schedule. of twenty five dollars (\$25.00).~~ (Ord. of 7-20-99; Ord. of 8-15-00; Ord. of 6-20-17(4))

10.14 RENTAL VEHICLES

10.14.010 Leased Only To Licensed Drivers

10.14.020 Record Of Rentals

~~**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.

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 General Statutes statute**, if the vehicle is to be driven and operated by the person to whom rented, let or leased.

(Code 1973, § 24-1)

10.14.020 Record Of Rentals

It shall be unlawful for any person to engage in the business of renting or leasing u-drive-it or self-driven vehicles to any person unless in the office of such place of business of such person so engaged in the renting or leasing of vehicles, as herein provided, there be kept open to all reasonable times, for public inspection, a true and accurate record of all such rentals or leases, together with the name and address of the person to whom any such motor vehicle has been let, the number of the motor vehicle so let, and the time of occupancy or use of any and every such rented, let or leased vehicle.

(Code 1973, § 24-2)

10.16 TAXICABS

10.16.010 Generally

10.16.020 Operators

10.16.030 Drivers

10.16.040 Rates

~~**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.

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 **a**Article, shall have the meanings ascribed to them in this ~~subparagraph~~ **Subsection**, 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 **a**Article.

Operator's license shall mean the license issued to any person who is the owner of any taxicab operated under this ~~a~~Article.

Taxicab shall ~~mean include~~ every vehicle other than motorbuses operated under the jurisdiction of the ~~s~~State ~~e~~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 ~~£~~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 ~~e~~Council or depositing cash or securities with the ~~£~~Town ~~£~~Treasurer when approved by the ~~£~~Town ~~e~~Council to cover damages for injury to persons or property in an amount required by the ~~m~~Motor ~~v~~Vehicles ~~s~~Safety and ~~f~~Financial ~~r~~Responsibility ~~a~~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 ~~a~~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 ~~e~~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 ~~a~~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 eCouncil** such bond or bonds for approval, and, when approved, a duplicate original shall be kept by the **†Town eCouncil**. 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 **aArticle** 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 eCouncil**, 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 **†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)

10.16.020 Operators

- A. *Operator's License Required.* Before any person shall operate a taxicab on the streets of the **†Town**, **he they** 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 **eChief of pPolice** 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 eCouncil** shall determine whether or not licenses shall be issued in accordance with this **aArticle** 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 eCouncil**.
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 (**NOTE – KBC 4.0 doesn't say anything. Also, not in fee schedule.**), 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 **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 **subparagraphs Subsections A through C** shall be issued with reference to any taxicab in the **€Town** until the provisions of KBC 10.16.010 **subparagraph Subsection 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 **aArticle** and obtained an operator's license, as provided for in **subparagraphs Subsections 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 **eCouncil** 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 **eCouncil** 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 Subsection B** and upon the issuance of an operator's license, as provided for in **subparagraphs Subsections 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 Subsection 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 ~~e~~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.~~

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 ~~e~~Council.
2. Each application for a permit shall contain the following:
 1. The name, age and address of the applicant;
 2. 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;
 3. Whether such applicant is a citizen of the United States;

4. Whether the applicant is a habitual user of intoxicating liquors or narcotic drugs;
5. Whether the applicant has been a habitual violator of traffic laws and ordinances;
6. The name of the owner of each vehicle for which a permit and license is applied;
7. 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 eCouncil** 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 eCouncil**, 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 eCouncil** under this **subparagraph Section** 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 Section**.
(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 **subparagraph Section** shall be transferable. Every such permit shall be subject to cancellation by the **€Town eCouncil** 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 ~~s~~Section, the ~~t~~Town ~~e~~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 ~~t~~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.~~

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 ~~article~~ ~~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 ~~designation destination~~, 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-their~~ 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~~Town shall charge, collect or receive any other than the schedule of rates which are on file in the ~~t~~Town ~~e~~Clerk's office to be determined by the taximeter. (Code 1973, § 24-27) (ON FILE ???)

- H. *Posting Of Rate.* There shall be posted in a conspicuous place on the inside of each taxicab operated under this ~~a~~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)

15.40 SIGNS

15.40.010 Intent

15.40.020 Reserved

15.40.030 Application Of Regulations

15.40.040 Exceptions

15.40.050 Permit Required; Administration

15.40.060 Prohibited Signs

15.40.070 Maintenance And Replacement

15.40.080 Illumination

15.40.090 Temporary Signs

15.40.100 Nonconforming Signs

15.40.110 Schedule Of Sign Regulations

15.40.120 Abatement Of Illegal And Abandoned Signs

15.40.130 Real Estate Signs

15.40.130 Real Estate Signs

- 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 of ~~\$50.00~~ as set forth on the Town Fee Schedule. ~~as authorized under KBC 1.08.020.~~

((NOTE--- Must also change the KBC reference paragraph listed on the fee schedule.))