

Town Ordinances (Additional ordinances available for public viewing at Town Hall)

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ORDINANCE 102: PUBLIC NUISANCES

Section

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102.04 Penalty

102.01 Nuisances declared.

The existence of any of the following conditions on any vacant or developed parcel of land within the corporate limits of the Town of Hayesville, North Carolina is hereby declared to be dangerous and prejudicial to human health or safety and to constitute a public nuisance.

- (A) The uncontrolled growth of noxious weeds or grass to a height in excess of 12" causing or threatening to cause a hazard detrimental to human health or safety.
- (B) Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to human health or safety.
- (C) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors, or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to human health or safety.
- (D) The open storage of any abandoned refrigerator, stove, appliance, glass, building material, building rubbish, junk motor vehicles, trailers or similar items which is or may be dangerous or prejudicial to human health or safety.

102.02 Investigation upon complaint of nuisance.

The Town Clerk, upon notice from any person of the existence of any of the conditions described in Section 102.01, shall cause to be made by a 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 Section 102.01.

102.03 Town Clerk to issue notice of abatement.

Upon a determination that conditions constituting a public nuisance exists, the Town Clerk shall notify, in writing, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisance, and shall order prompt abatement thereof within fifteen (15) days from the receipt of such written notice.

102.04 Penalty

- (A) Any violation of any provision of this ordinance shall subject the violator to a civil penalty in the sum of fifty dollars (\$50) per day.
 - a. A citation for said civil penalty shall be issued by the appropriate Town official.
 - b. Each citation for a civil penalty must be paid within the designated period of time.
- (B) Each and every day that the violator continues in violation shall be a separate and distinct offense.

- (C) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction.

Adopted 4/12/04

Amended 08/12/10 (102.01 (A) Delete 18", Add 12")

ORDINANCE 119: SIGN REGULATIONS FOR THE HISTORIC COURTHOUSE SQUARE

Within the Courthouse Square in the C-1 Central Business District, the following sign types are permitted:

1. Signs to advertise the event of a Clay County Non-Profit (501c3) Organization.
 - a. Requires an Event Sign Permit issued by the Town of Hayesville.
 - b. Display Period: not more than thirty (30) days before the event. Signs must be removed not more than 48 hours after the event.
 - c. Placement of event advertising signs shall be limited to the northwest corner of the square, extending 35 ft. south of the Church Street wall and 35 ft. east of the Main Street Wall.
2. Informational or directional signs required by the Town of Hayesville or the lessee of the Courthouse Square: do NOT require a permit.
3. Information or directional signs during an approved event on the Square: do NOT require a permit.
Signs must be removed at the end of the event.
4. Signs required by a government agency: do NOT require a permit.

Adopted 08/14/18

ORDINANCE 120 and 120-A: PARKING IN THE C-1 CENTRAL BUSINESS DISTRICT

Within the C-1 Business District, the following is PERMITTED in Public Street and Public Off Street Parking: Operable motor vehicles with current tags which fit within a single marked parking space may park in designated spaces for a period not to exceed 48 hours.

Within the C-1 Business District, the following are PROHIBITED in Public Street and Public Off Street Parking:

1. Oversized motor vehicles, all trailers, boats, equipment or anything other than a compliant motor vehicle that fits within a single parking space.
2. Parking in excess of 48 hours.
3. Parking to utilize more than one space per motor vehicle.
4. Marking any space as reserved for any business or property owner.
5. Vehicles which are inoperable and/or without current tags.

Exceptions:

1. Where a current Building Permit is in effect, contractor vehicles and equipment may park on the street adjacent to the construction site during working hours.
2. Loading Zone Provision – Trailers and equipment for special events may temporarily park in vehicle spaces during the loading and unloading process. Trailered cooking grills and refrigeration units may occupy a vehicle space while in use for an event.
3. Residents of dwelling units who cannot establish off street parking may be issued a permit to occupy an available parking space for an extended period specified by the Town of Hayesville. Permits will be issued only to a vehicle registered to a C-1 resident address.
4. The Town of Hayesville may reserve and assign parking spaces for events.

Penalty:

Violators, upon conviction, shall be guilty of a misdemeanor and fined not exceeding \$50.00 for each day the violation continues. Enforcement by Clay County Sheriff's Department.

Should any vehicle or prohibited unit be left in violation of this ordinance, the Town of Hayesville shall also have the right to remove and impound same until all costs of removal and storage are paid by the owner.

Adopted 08/14/18

ORDINANCE 101: SKATING AND SKATEBOARDING

Due to concerns for public safety and welfare, any skateboarding, rollerblading or roller skating is strictly prohibited on any sidewalks or any streets within the city limits of the Town of Hayesville or within one mile thereof.

Violation of this ordinance is a misdemeanor or infraction as provided by N.C.G.S. 14-4. Enforcement is governed by N.C.G.S. 160A -175.

Adopted 09/15/03

ORDINANCE 103: YARD SALES

In order to protect the health, safety and welfare of the citizens of the Town of Hayesville, the Town Council has determined that regulating the number and length of occasional residential sales is necessary. Sales which become ongoing businesses produce unsightly premises and dangerous traffic situations inappropriate for residential areas.

Definitions:

1. "RESIDENTIAL SALE" shall mean sales of "goods" from a "dwelling" and include any offer to sell "goods." "Residential Sale" includes the terms "yard sale," "garage sale," "rummage sale" or any other term used to describe these sales.
2. "DWELLING" shall mean any building or portion thereof designed, arranged or used for living quarters.
3. "GOODS" shall mean merchandise for sale which is typically used for personal, household or family purposes and which has been owned and used by occupants of the home sponsoring the sale. Items purchased for resale are excluded.
4. "CALENDAR YEAR" shall mean January 1 to December 31.

Time Limitations:

1. Hours of operation shall be from sunrise to sunset.
2. It shall be unlawful to conduct a residential sale for more than four (4) consecutive days or to conduct more than four (4) such separate sales at the same dwelling within any calendar year.

Space Limitation:

1. A person may not place on display any goods under the provisions of this section closer than ten (10) feet from the front property line of a lot of record.
2. Displays may not extend beyond the side and rear property lines of a lot of record.
3. Articles for sale may be displayed inside the garage, within the backyard and on a driveway provided emergency equipment access to any structures on the property is not hindered.

4. Nothing in this section shall be construed as preempting additional restrictions imposed by the Town of Hayesville, the County of Clay or the State of North Carolina.

Investigation of Complaint:

The Town Clerk, upon notice from any person of conditions causing a violation of the provisions of this Ordinance, shall cause to be made by a Town Official such investigation as may be necessary to determine whether, in fact, such conditions exist.

Town Clerk to Issue Notice of Abatement:

Upon determination that conditions constituting a violation exist, the Town Clerk shall notify in writing, the owner, occupant or person in possession of the premises in question of such violation and order immediate abatement.

Penalty:

1. Any violation of any provision of this ordinance shall subject the violator to a civil penalty in the sum of fifty dollars (\$50.00) per day.
2. Each and every day that a violator continues in violation shall be a separate and distinct offense.
3. The municipality may also seek any and all appropriate equitable remedies, injunctions and /or abatement orders from the appropriate court of competent jurisdiction.

Enforcement of this ordinance is governed by N.C.G.S. 160A-175

Adopted 03/12/07

ORDINANCE 109: SPECIAL EVENTS PERMIT

1. **Non-Discrimination:** the sheriff shall uniformly consider each application upon its merits and shall not discriminate in granting or denying a permit under this ordinance based upon political, religious, ethnic, race, disability, sexual orientation or gender related grounds.
2. **Definitions:** for purpose of this section, the following terms shall have the meaning indicated:
 - (a) *Public Place* – public streets, sidewalks, and right-of-ways of public streets, parking lots, alleys and any other town owned property that is open to the general public.
 - (b) *Demonstration* – means any demonstration, picketing, pamphleteering, leaf letting, march or other event organized or held primarily for purpose associated with the First Amendment of the U.S. Constitution. This term shall not include purely commercial speech or for-profit events.
 - (c) *Special Event* – an event includes but is not limited to: parades, festivals, demonstrations, blocking streets or any other assemblies where two or more people are gathered together and the event is open to the general public excluding family reunions and birthday parties of less than 100 people.
 - (d) *Sponsor* – any group, firm, partnership, association, corporation, company, school, or organization of any kind that is sponsoring the event.
 - (e) *Applicant* – the person that represents the sponsor and that will complete, sign, take responsibility for and have the event application notarized.
 - (f) *Sidewalk* – means any area of way set aside or open to the general public for purpose of pedestrian traffic, regardless of its construction.
 - (g) *Street* – means any place or way set aside or open to the general public for purposes of vehicular traffic, including any right-of-way or median strip thereof and is maintained by the Town of Hayesville or the North Carolina Department of Transportation; and, all public vehicular areas, and parking lots both private and public.

- (h) *Town Property* – means any property owned, leased, or occupied by the Town of Hayesville.
- (i) *Malt Beverage* – means any beer, lager, malt liquor, ale, porter, or any other brewed or fermented beverage containing at least one-half of one percent (.5%) alcohol by volume.
- (j) *Unfortified Wine* – means any wine of sixteen percent (16%) or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.
- (k) *Open Container* – means any container whose seal has been broken or a container other than the manufacturer’s unopened original container.
- (l) *Food Service Establishment* – means an establishment engaged in the business of regularly selling food, customarily, but not exclusively, to be eaten on the premises, including businesses that are commonly referred to as restaurants, cafes, grills and other establishments that have a food counter where food is sold.
- (m) *Winery* – means an establishment regularly engaged in the manufacture, sale or marketing of wine.

3. Allowance of Special Event upon Issuance of a Permit

Special Events – Upon issuance of a permit by the sheriff, restaurants, food service establishments, businesses, wineries and any other organization may hold a Special Event within public right-of-ways and on town owned property as designated in a “Special Event Permit.”

4. Applications may be approved by the sheriff upon meeting the following requirements:

- (a) A written application for a Special Event Permit, including street closures, must be submitted to the sheriff at least thirty (30) days prior to the event. A copy of the application and permit shall be submitted to and be retained by the town clerk’s office.
- (b) A statement of the applicant’s intent whether to serve or to allow the consumption of beer and wine. If serving alcoholic beverages, a copy of the applicant’s ABC Permit demonstrating that the applicant is properly licensed to allow the consumption of beer and wine within the plan-defined area, and a verified statement by the applicant that:
 - (I) Applicant’s/sponsor’s ABC permit is in good standing;
 - (II) The applicant/sponsor has not been cited for any violation of its ABC Permit for the premises within the previous three (3) year period. If the applicant has been cited, the applicant must provide a statement describing the circumstances for which it was cited and describe what, if any, penalty was imposed for the incident.
- (c) The applicant’s plan must also indicate that the festival or event area must be maintained, and all debris or refuse removed from the area at regular intervals during the business day so as to maintain an orderly appearance and to prevent the attraction of vermin, insects or other pests to the area.
- (d) The plan must also indicate that the applicant must maintain an unobstructed path for pedestrian travel on all sidewalks within the event area at least five (5) feet wide at all times. If permit does not provide for street closure, the applicant must maintain an unobstructed path for vehicular traffic on all streets within the event.
- (e) The applicant agrees that at no time will anyone be allowed to block access to a fire hydrant in the street festival area.
- (f) The applicant agrees to remove all obstructions and additions to the festival area immediately upon completion of the festival in order to open the streets to public use as soon as possible.

- (g) The applicant, or an authorized officer or member of the sponsoring group, must sign an agreement to indemnify and hold the Town of Hayesville harmless from any and all claims of property damage, personal injury or death arising from any services provided at the Special Event by the applicant or its designee.
 - (h) The sheriff will notify the mayor and/or the town clerk before a permit is issued to make them aware of the application and to determine if there are any issues that need to be considered.
5. **In the review of the Special Event Permit requests, the sheriff shall be guided by the following considerations:**
- (a) The number of permits issued and the area or areas for which such permits are issued in relation to crowd density, traffic control, the ability to protect persons and property, fire prevention and control, general safety and availability of town assets and resources to ensure the reasonable protection of the general public; and, the disruption of normal business for merchants in the area.
 - (b) In those instances in which the sheriff, or designee, considers town or county resources to be insufficient to meet the above considerations, the sheriff, or designee, may require the applicant for such permit to provide, at the applicant's expense, Clay County Sheriff's Officer(s) for the duration of the permit.
 - (c) The sheriff, or designee, shall have the authority to designate the boundaries of any Public Street Festival or Special Event area. To accommodate such an event, the sheriff, or designee, is further authorized to temporarily close any public streets, sidewalks or other town owned areas within the boundaries of any proposed Special Event.
6. **Sale and Consumption of Alcoholic Beverages may be Permitted at Special Events.**
- It shall be lawful for a Special Event sponsor to serve or sell malt beverages and unfortified wine where the boundaries of the area in which such beverages are sold and consumed is clearly delineated in the permit, where the following requirements are met:
- (1) All applicable health and ABC laws are complied with.
 - (2) All malt beverages or unfortified wines must be sold and consumed within the area delineated in the permit for the sale and consumption of malt beverages or unfortified wine.
 - (3) All empty bottles and cans shall be recycled or handled in such a way as to not be broken or left on town or county property.
 - (4) The sponsor shall be required to maintain proper decorum and order and must leave the area in a clean condition.
 - (5) The applicant/sponsor shall have in full force both General Liability and Liquor Liability Insurance in the amount of one million dollars (\$1,000,000.00) each, with the Town of Hayesville, North Carolina, being named as an additional insured. Proof of such insurance shall be delivered directly via the insurance company issuing the Certificate of Insurance and shall specify on said Certificate that the Town of Hayesville will be notified immediately in the event of cancellation of, or amendment to either the General Liability Insurance or the Liquor Liability Insurance.
 - (6) In addition to approval by the sheriff, the Town Council of Hayesville, North Carolina, shall approve each permit for the sale and consumption of alcoholic beverages at special events.
7. **Firearms.**
- Except for sworn, certified law enforcement personnel, the possession of firearms at the Special Event area is prohibited.
8. **Penalty – Conflict.**

Penalty – any violation of this Ordinance shall constitute a misdemeanor, punishable as provided in North Carolina General Statute Section 14-4. A fine of one hundred dollars (\$100.00) will be assessed for any violation of this Ordinance to the applicant. A violation of an event permit issued pursuant to the Ordinance may result in an immediate revocation of the permit and a possible ban on future permits.

Adopted 03/10/14