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**AGENDA**  
**TOWN COUNCIL OF THE TOWN OF TARBORO, NC**  
**REGULAR MEETING HELD AT 7:00 PM, MONDAY, MAY 13, 2024**  
**IN THE COUNCIL ROOM, TOWN HALL, TARBORO, NC**

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**1. MEETING CALLED TO ORDER BY THE MAYOR**

**PLEASE TURN CELL PHONES OFF**

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF AGENDA BY COUNCIL**

**5. REQUESTS AND PETITIONS OF CITIZENS**

(Five minute time limit per person)

**6. MATTERS SCHEDULED FOR PUBLIC HEARING**

UDO Text Amendment #24-01 - The Unified Development Ordinance is a living document which should be updated and modified to keep current with planning trends and state legislature and recommendations. Planning Board has met and unanimously approved the items included in the text amendment proposed. It is recommended that Council adopt the resolution approving the Ordinance.

**7. TOWN MANAGERS RECOMMENDATIONS**

**Consent Items**

- (1) Approve minutes of the April 8, 2024 regular meeting.
- (2) Tax Collector's Report
- (3) Budget Transfers

**Action Items**

- (4) Appeal of the Nuisance Ordinance

**8. OTHER REPORTS**

A. Town Manager

- (1) Budget Workshop Dates
- (2) Reminder June Council Meeting Moved to June 17, 2024
- (3) Update on Offer to Purchase - Tarboro Commerce Center

B. Town Attorney

C. Council Members

**9. CLOSED SESSION**

- (1) Closed Session as per NCGS § 143-318.11(a)(6) - Personnel

## **10. ADJOURNMENT**

**ORDINANCE NO. 24 - \_\_\_\_\_**

**AN ORDINANCE AMENDING THE TEXT OF THE UNIFIED DEVELOPMENT ORDINANCE.**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
TARBORO that:

Section 1. That the text of the Unified Development Ordinance shall be amended as follows:

Chapter 1, Purpose and Applicability, 1.4 shall read:

“The regulations contained in this ordinance have been adopted in accordance with the adopted plans and seek to increase the quality of life, health, safety, and welfare of persons within the town, by regulating development including property uses, aesthetics, traffic safety, and all related means of improvement.”

Chapter 2, Permitted Use Table

The Permitted Use Table shall be amended to include:

Central Business District:

Parking Lot/Structure – PS

Multi-family – PS

Townhome – PS

Vape/Hookah sales and use – NP

Cryptocurrency –NP

HB:

Vape/Hookah PS

Within LI & HI:

Cryptocurrency – PS

Vape/Hookah – PS

Chapter 3.2 Supplementary Use Standards shall be re-numbered to match the Permitted Use Table, and Supplementary Use Standards shall now include:

Parking lot/structure – Parking lots and structures within the Central Business District shall be designed to improve traffic flow and be subject to review by staff to ensure compliance with all development regulations and utility easements.

Multi-family & Townhomes – Townhomes and multi-family structures may require the submission of a Commercial Site Plan and related documentation related to parking and related needs to construction or conversion of an existing building.

Vape/Hookah – No drug-related paraphernalia shall be sold. Each use must be separated by a distance no less than 2,000ft.

The following shall be redacted:

Townhomes – the following shall be redacted: “B. Consecutive Number of Units: No more than 5 consecutively attached units shall be permitted. C. Driveway Width: The maximum allowable driveway width is 12’ per dwelling unit. Adjacent garages shall share one driveway when individual driveways would be separated by less than 20’.”

The entirety of Wireless Telecommunications Facility (non-tower) and Wireless Telecommunications Facility (all districts) shall be updated to the current zoning districts.

Chapter 5.12.4 Coordination with Surrounding Streets, shall now include

F. Residential Development, including one- and two-family residential development with over 30 dwelling units, shall require a secondary fire access road. A secondary fire access code may be required for developments under 30 units if the site conditions necessitate such to

provide sufficient safety for residents of development and surrounding area.

Chapter 5, Section 12.6 Town of Tarboro Street Classifications - the entirety of Section 12.6 shall be redacted and shall now read with the following:  
Street classifications shall meet the Town of Tarboro Manual of Specifications and Design Standards and NC Department of Transportation standards. When supported by Town of Tarboro plans and within new residential developments, sidewalks shall be required; payment-in-lieu may be accepted as an alternative in situations where the site conditions or surrounding area are incompatible.

Chapter 9, Section 3.2 shall now include:  
4. Drive-throughs proposed shall submit sufficient documentation to ensure stacking area will not negatively impact traffic flow within the lot or beyond the parking area

Chapter 9, Section 5.1.G.1 shall be modified to read as follows:  
Single-Family Residential Dwellings: Driveways for detached single-family residential dwelling units shall have a minimum width of 24 feet.

Chapter 17 Definitions  
The following definitions shall be added:  
Bin/Overstock – Retail location where supply is frequently restocked from warehouse oversupply.  
Hookah – Retail or smoke shops where hookah and hookah accessories are sold or utilized.  
Vape – Retail or vape shops where vape and vape accessories are sold or utilized.  
Cryptocurrency – Location where cryptocurrency is mined or stored.

The following definition shall be modified to read:  
Official Maps or Plans - Any maps or plans officially adopted by the Town of Tarboro Town Council as a guide to the development of the Town of Tarboro.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.  
  
Section 3. That this Ordinance shall be effective immediately upon its adoption.

Adopted this 13<sup>th</sup> day of May, 2024.

Town of Tarboro

\_\_\_\_\_  
Tate Mayo, Mayor

ATTEST:

\_\_\_\_\_  
Leslie M. Lunsford, Town Clerk

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE COUNCIL’S  
REASONS FOR APPROVING AN AMENDMENT TO THE TEXT OF THE  
UNIFIED DEVELOPMENT ORDINANCE**

**WHEREAS**, an amendment to the Text of the Unified Development Ordinance has been proposed, which amendment is described or identified as follows:

Section 1. That the text of the Unified Development Ordinance shall be amended as follows:

Chapter 1, Purpose and Applicability, 1.4 shall read:

“The regulations contained in this ordinance have been adopted in accordance with the adopted plans and seek to increase the quality of life, health, safety, and welfare of persons within the town, by regulating development including property uses, aesthetics, traffic safety, and all related means of improvement.”

Chapter 2, Permitted Use Table

The Permitted Use Table shall be amended to include:

Central Business District:

Parking Lot/Structure – PS  
Multi-family – PS  
Townhome – PS  
Vape/Hookah sales and use – NP  
Cryptocurrency –NP

HB:

Vape/Hookah PS

Within LI & HI:

Cryptocurrency – PS  
Vape/Hookah – PS

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Parking lot/structure – Parking lots and structures within the Central Business District shall be designed to improve traffic flow and be subject to review by staff to ensure compliance with all development regulations and utility easements.

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Vape/Hookah – No drug-related paraphernalia shall be sold. Each use must be separated by a distance no less than 2,000ft.

The following shall be redacted:

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The entirety of Wireless Telecommunications Facility (non-tower) and Wireless Telecommunications Facility (all districts) shall be updated to the current zoning districts.

Chapter 5.12.4 Coordination with Surrounding Streets, shall now include

F. Residential Development, including one- and two-family residential development with over 30 dwelling units, shall require a secondary fire access road. A secondary fire access code may be required for developments under 30 units if the site conditions necessitate such to provide sufficient safety for residents of development and surrounding area.

Chapter 5, Section 12.6 Town of Tarboro Street Classifications - the entirety of Section 12.6 shall be redacted and shall now read with the following:  
Street classifications shall meet the Town of Tarboro Manual of Specifications and Design Standards and NC Department of Transportation standards. When supported by Town of Tarboro plans and within new residential developments, sidewalks shall be required; payment-in-lieu may be accepted as an alternative in situations where the site conditions or surrounding area are incompatible.

Chapter 9, Section 3.2 shall now include:

4. Drive-throughs proposed shall submit sufficient documentation to ensure stacking area will not negatively impact traffic flow within the lot or beyond the parking area

Chapter 9, Section 5.1.G.1 shall be modified to read as follows:

Single-Family Residential Dwellings: Driveways for detached single-family residential dwelling units shall have a minimum width of 24 feet.

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The following definition shall be modified to read:

Official Maps or Plans - Any maps or plans officially adopted by the Town of Tarboro Town Council as a guide to the development of the Town of Tarboro.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. That this Ordinance shall be effective immediately upon its adoption.

**NOW THEREFORE**, the Town Council of the Town of Tarboro Resolves:

Section 1. The Council concludes that the above-described amendment is consistent with the adopted Tarboro Unified Development Ordinance and Land Development Plan.

Section 2. The Council concludes that its approval of the above-described amendment is reasonable and in the public interest because: the amendment is consistent with the intent of the Unified Development Ordinance and the Tarboro Land Use Plan.

Section 3. This resolution becomes effective upon adoption.

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE COUNCIL’S  
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE  
UNIFIED DEVELOPMENT ORDINANCE**

**WHEREAS**, an amendment to the Text of the Unified Development Ordinance has been proposed, which amendment is described or identified as follows:

Section 1. That the text of the Unified Development Ordinance shall be amended as follows:

Chapter 1, Purpose and Applicability, 1.4 shall read:

“The regulations contained in this ordinance have been adopted in accordance with the adopted plans and seek to increase the quality of life, health, safety, and welfare of persons within the town, by regulating development including property uses, aesthetics, traffic safety, and all related means of improvement.”

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Chapter 5, Section 12.6 Town of Tarboro Street Classifications - the entirety of Section 12.6 shall be redacted and shall now read with the following:  
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The following definition shall be modified to read:

Official Maps or Plans - Any maps or plans officially adopted by the Town of Tarboro Town Council as a guide to the development of the Town of Tarboro.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. That this Ordinance shall be effective immediately upon its adoption.

**NOW THEREFORE**, the Town Council of the Town of Tarboro Resolves:

Section 1. The Council concludes that the above-described amendment is not consistent with the adopted Tarboro Unified Development Ordinance and Land Use Plan.

Section 2. The Council concludes that its rejection of the above-described amendment is reasonable and in the public interest because: the amendment is inconsistent with the intent of the Unified Development Ordinance and the Tarboro Land Use Plan.

Section 3. This resolution becomes effective upon adoption.



**MINUTES OF A REGULAR MEETING OF THE TOWN COUNCIL OF THE  
TOWN OF TARBORO, HELD AT 7:00 PM ON MONDAY, APRIL 8, 2024 IN THE  
COUNCIL ROOM, TOWN HALL, TARBORO, NORTH CAROLINA**

**MEMBERS PRESENT**

Mayor Mayo  
Councilman Anderson  
Councilman Woodard  
Councilman Taylor  
Councilman Burnette  
Councilman Brown  
Councilman Jenkins  
Councilmember Jordan  
Councilmember Bynum

**MEMBERS ABSENT**

**ALSO PRESENT**

Troy Lewis, Town Manager  
Kimberly Whitehead, Assistant Town Clerk  
Chad Hinton, Town Attorney

**1. MEETING CALLED TO ORDER BY THE MAYOR**

**2. INVOCATION**

Councilman Taylor.

**3. PLEDGE OF ALLEGIANCE**

**4. APPROVAL OF AGENDA BY COUNCIL**

Agenda approved as presented.

Leo Taylor made a motion, which was seconded by Othar Woodard and Passed, Motion.

**5. PRESENTATION BY COUNCIL**

**(1) Autism Awareness Month Proclamation**

Mayor Mayo presented a Proclamation declaring April 2024 as National Autism Awareness Month in the Town of Tarboro and encouraged all residents to participate in its observance and become more aware of Autism Spectrum Disorders. The proclamation was presented to Kyler Whitehead, a sixth grader at NECP, the son of Kelvin and Kimberly Whitehead.

**(2) Arbor Day Proclamation**

Mayor Mayo presented a Proclamation declaring April 26, 2024 as National Arbor Day in the Town of Tarboro. All citizens are urged to support efforts to protect our trees and woodlands and to plant trees to gladden the heart promoting the well-being of this and future generations.

(3) National Day of Prayer Proclamation

Mayor Mayo presented a Proclamation declaring May 2, 2024 as a Day of Prayer throughout the Town of Tarboro.

**6. REQUESTS AND PETITIONS OF CITIZENS**

Cathy Williams, 2208 Robin Drive, Tarboro - expressed concerns with increasing animal euthanasia in the past year, 29% in 2022 to 60% in 2023. She also acknowledged April 14-20, 2024 as Animal Control Appreciation Week and National Public Safety Telecommunications Week.

Alexander Paschal, 4230 Stanfield Court, Ayden, NC - Assistant Public Defender, running for State Senator in District 5 for Pitt and Edgecombe County, present to learn the needs in Tarboro.

Judith Moss, 1208 W Wilson Street, Tarboro - invited all to attend the Downeast Senior Games on April 30th at E. L. Roberson Center and May 1st at Indian Lake, both days at 9:00 am.

Steve Redhage, 900 Saint Andrew Street, Tarboro - expressed concerns with the Vacant Property Ordinance, Section F, Exemptions on the Registration Fee. Troy Lewis clarified that the exemptions only applied to the registration fee and not the buying and selling of property.

Larry Battle, 305 Walker Street, Tarboro - expressed concerns about a code enforcement letter received about junk vehicles in his yard, the vehicles are operational and have current registration & insurance. Troy Lewis suggested Council table until the May council meeting so a proper appeal can be presented before making a decision.

Steve Redhage, 900 Saint Andrew Street, Tarboro - suggested that Council continue enforcing the current parking ordinance.

**7. MATTERS SCHEDULED FOR PUBLIC HEARING**

Non-Residential Maintenance Code - The purpose of this public hearing will be to make appropriate changes to clarify the ambiguous language and enhance enforceability of the Non-Residential Maintenance Code adopted by Council at the July 10, 2023 Town Council meeting to regulate building appearance in the Central Business District.

The Mayor declared the public hearing open.

No one spoke in favor of or against amending the non-residential maintenance code ordinance.

The Mayor declared the public hearing closed.

Councilmembers discussed.

Council approved the amendments made to the current ordinance to clarify ambiguous language and enhance enforceability of the Non-Residential Maintenance Code.

Othar Woodard made a motion, which was seconded by Leo Taylor and Passed,  
Motion. Ayes: Brown, Burnette, Jordan, Taylor, Woodard; Nays: Anderson, Bynum, Jenkins

## **8. REPORTS OF BOARDS AND COMMISSIONS**

- (1) The Planning Director will present the Planning Board Report.

Catherine Grimm, Planning Director, presented the Planning Board Report. Council called for a public hearing to be held at the May Council meeting to consider UDO Text Amendment #24-01.

Leo Taylor made a motion, which was seconded by Deborah Jordan and Passed,  
Motion.

## **9. TOWN MANAGERS RECOMMENDATIONS**

### **Consent Items**

Consent Items approved as presented.

John Jenkins made a motion, which was seconded by Othar Woodard and Passed, Motion.

- (1) Approve minutes of the March 11, 2024 regular meeting.
- (2) Council Retreat Minutes March 2 & 3, 2024
- (3) Budget Transfers
- (4) Tax Collector's Report
- (5) 2023 Tax Levy Adjustment

### **Action Items**

#### **(6) Disposition of Town-owned Property - Tarboro Commerce Center**

Council accepted Suncap Property Group, LLC's offer to purchase 26 acres in the Tarboro Commerce Center for \$16,000 per acre. Per North Carolina General Statute 160A-269 an accepted offer will be subject to the upset bid procedures.

John Jenkins made a motion, which was seconded by Sabrina Bynum and Passed,  
Motion.

#### **(7) Budget Amendment - Cultural Arts Grant**

Council approved the Cultural Arts Grant budget amendment.

Deborah Jordan made a motion, which was seconded by Sabrina Bynum and Passed,  
Motion.

#### **(8) Resolution of Support - N.C. Commerce Rural Downtown Economic Dev. Grant**

Council adopted a Resolution of Support and Local Match for the North Carolina Commerce Rural Downtown Economic Development Grant.

Othar Woodard made a motion, which was seconded by John Jenkins and Passed,  
Motion.

## **10. OTHER REPORTS**

### **A. Town Manager**

Troy Lewis reminded Council about the Town & State Dinner on Wednesday, April 10, 2024 in Goldsboro at The Firehouse, 5:15 pm - 8:30 pm.

### **B. Town Attorney**

Chad Hinton stated that he was finalizing the SunCap documents and would have them ready soon.

### **C. Council Members**

Councilman Woodard - none.

Councilman Taylor - none.

Councilman Burnette - none.

Councilman Brown - none.

Councilman Jenkins - none.

Councilmember Jordan - none.

Councilmember Bynum - none.

Councilman Braxton - none.

## **11. CLOSED SESSION**

Enter Closed Session per NCGS 143-318.11(a)(6) - Personnel

Leo Taylor made a motion, which was seconded by Othar Woodard and Passed, Motion.

Resume Open Session

Sabrina Bynum made a motion, which was seconded by Cutchin Anderson and Passed, Motion.

(1) Closed Session as per NCGS § 143-318.11(a)(6) - Personnel

## **12. ADJOURNMENT**

Meeting adjourned.

Cutchin Anderson made a motion, which was seconded by Deborah Jordan and Passed, Motion.

**Town of Tarboro, North Carolina**  
**General Fund**  
**Schedule of Ad Valorem Taxes Receivable**  
**April 30, 2024**

<b>Fiscal Year</b>	<b>Uncollected Balance March 31, 2024</b>	<b>Additions</b>	<b>Collections and Credits</b>	<b>Uncollected Balance April 30, 2024</b>
2023	\$ 167,892	\$ -	\$ 33,920	\$ 133,972
2022	46,154		2,100	44,054
2021	30,995		844	30,151
2020	23,118		409	22,709
2019	15,983		98	15,885
2018	13,237		-	13,237
2017	9,795		93	9,702
2016	9,862		99	9,763
2015	7,511		-	7,511
2014	5,388		-	5,388
Prior years	25,429		-	25,429
	<u>\$ 355,364</u>	<u>\$ -</u>	<u>\$ 37,563</u>	<u>\$ 317,801</u>

Less: Allowance for Uncollectible Accounts:  
General Fund

Ad valorem taxes receivable - net \$ 317,801

\* Public Service Companies

Reconciliation with Revenues:

Ad valorem taxes - General Fund

Reconciling Items:

Prior years taxes written off	-
Prior year releases	-
Interest	2,762
Fees	1,022
Total reconciling items	<u>3,784</u>
Total collections and credits	<u>\$ 40,325</u>

**To:** Troy Lewis, Town Manager

**From:** Anne Mann, Finance Director

**Date:** May 1, 2024

**Re:** Reallocation of Departmental Appropriations



In accordance with Section 8 of the FY 2023-2024 Budget Ordinance of the Town of Tarboro, in your capacity as the Budget Officer, you have approved certain reallocations of departmental appropriations. Such transfers are required to be reported to Town Council within sixty (60) days.

Also, in accordance with Section 8 of the FY 2023-2024 Budget Ordinance of the Town of Tarboro, in your capacity as the Budget Officer, you have approved certain transfers between departments within the same fund. Such transfers shall be reported to Town Council at its next regular meeting and entered in the minutes.

These reallocations and transfers are summarized on the attached pages for presentation to Town Council.



Town of Tarboro

# Budget Adjustment Register

## Adjustment Detail

Packet: GLPKT14526 - Budget Transfers for May Council Meeting

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000234	Adopted by Council	Budget Transfers - Per Department Request	4/17/2024

### Summary Description:

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
<a href="#">30-7200-5400</a>	Insurance and Bonds	Budget Transfers - Per Department Request	100,000.00	25,000.00	125,000.00
July: 2,083.33	October: 2,083.33	January: 2,083.33	April: 2,083.33		
August: 2,083.33	November: 2,083.33	February: 2,083.33	May: 2,083.33		
September: 2,083.33	December: 2,083.33	March: 2,083.33	June: 2,083.37		
<a href="#">30-7230-4800</a>	Purchased Power - Wholesale	Budget Transfers - Per Department Request	16,250,000.00	-25,000.00	16,225,000.00
July: -2,083.33	October: -2,083.33	January: -2,083.33	April: -2,083.33		
August: -2,083.33	November: -2,083.33	February: -2,083.33	May: -2,083.33		
September: -2,083.33	December: -2,083.33	March: -2,083.33	June: -2,083.37		

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000235	Adopted by Council	Budget Transfers - Per Department Request	4/17/2024

### Summary Description:

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
<a href="#">30-7200-3400</a>	Online Utility Payment - CC Int	Budget Transfers - Per Department Request	185,000.00	115,000.00	300,000.00
July: 9,583.33	October: 9,583.33	January: 9,583.33	April: 9,583.33		
August: 9,583.33	November: 9,583.33	February: 9,583.33	May: 9,583.33		
September: 9,583.33	December: 9,583.33	March: 9,583.33	June: 9,583.37		
<a href="#">30-7230-4800</a>	Purchased Power - Wholesale	Budget Transfers - Per Department Request	16,250,000.00	-115,000.00	16,135,000.00
July: -9,583.33	October: -9,583.33	January: -9,583.33	April: -9,583.33		
August: -9,583.33	November: -9,583.33	February: -9,583.33	May: -9,583.33		
September: -9,583.33	December: -9,583.33	March: -9,583.33	June: -9,583.37		

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000236	Adopted by Council	Budget Transfers - Per Department Request	4/30/2024

### Summary Description:

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
<a href="#">30-7210-1515</a>	Maintenance and Repair - Gen	Budget Transfers - Per Department Request	50,000.00	15,000.00	65,000.00
July: 1,250.00	October: 1,250.00	January: 1,250.00	April: 1,250.00		
August: 1,250.00	November: 1,250.00	February: 1,250.00	May: 1,250.00		
September: 1,250.00	December: 1,250.00	March: 1,250.00	June: 1,250.00		
<a href="#">30-7210-3302</a>	Metering Supplies	Budget Transfers - Per Department Request	30,000.00	-10,000.00	20,000.00
July: -833.33	October: -833.33	January: -833.33	April: -833.33		
August: -833.33	November: -833.33	February: -833.33	May: -833.33		
September: -833.33	December: -833.33	March: -833.33	June: -833.37		
<a href="#">30-7210-3303</a>	Load Management Supplies	Budget Transfers - Per Department Request	10,000.00	-5,000.00	5,000.00
July: -416.67	October: -416.67	January: -416.67	April: -416.67		
August: -416.67	November: -416.67	February: -416.67	May: -416.67		
September: -416.67	December: -416.67	March: -416.67	June: -416.63		

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000237	Adopted by Council	Budget Transfers - Per Department Request	4/30/2024

### Summary Description:

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
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# Budget Adjustment Register

# Packet: GLPKT14526 - Budget Transfers for May Council Meeting

## [30-7200-1330](#)

July: -291.67  
August: -291.67  
September: -291.67

Community Holiday Enhancem  
October: -291.67  
November: -291.67  
December: -291.67

Budget Transfers - Per Department Request  
January: -291.67  
February: -291.67  
March: -291.67

10,000.00 -3,500.00 6,500.00  
April: -291.67  
May: -291.67  
June: -291.63

## [30-7210-3100](#)

July: 291.67  
August: 291.67  
September: 291.67

Auto Supplies

October: 291.67  
November: 291.67  
December: 291.67

Budget Transfers - Per Department Request  
January: 291.67  
February: 291.67  
March: 291.67

65,000.00 3,500.00 68,500.00  
April: 291.67  
May: 291.67  
June: 291.63

## Adjustment Number

## Budget Code

## Description

## Adjustment Date

BA0000238 Adopted by Council Budget Transfers - Per Department Request 4/30/2024

## Summary Description:

## Account Number

## Account Name

## Adjustment Description

## Before

## Adjustment

## After

## [10-4250-3150](#)

July: 83.33  
August: 83.33  
September: 83.33

Gasoline & Fuel

October: 83.33  
November: 83.33  
December: 83.33

Budget Transfers - Per Department Request  
January: 83.33  
February: 83.33  
March: 83.33

2,000.00 1,000.00 3,000.00  
April: 83.33  
May: 83.33  
June: 83.37

## [10-4250-3300](#)

July: -323.33  
August: -323.33  
September: -323.33

Department Supplies And Mat

October: -323.33  
November: -323.33  
December: -323.33

Budget Transfers - Per Department Request  
January: -323.33  
February: -323.33  
March: -323.33

28,000.00 -3,880.00 24,120.00  
April: -323.33  
May: -323.33  
June: -323.37

## [10-4250-4500](#)

July: 240.00  
August: 240.00  
September: 240.00

Contracted Services

October: 240.00  
November: 240.00  
December: 240.00

Budget Transfers - Per Department Request  
January: 240.00  
February: 240.00  
March: 240.00

0.00 2,880.00 2,880.00  
April: 240.00  
May: 240.00  
June: 240.00

## [10-4260-1502](#)

July: 25.00  
August: 25.00  
September: 25.00

Maintenance and Repair - Recr

October: 25.00  
November: 25.00  
December: 25.00

Budget Transfers - Per Department Request  
January: 25.00  
February: 25.00  
March: 25.00

20,000.00 300.00 20,300.00  
April: 25.00  
May: 25.00  
June: 25.00

## [10-4260-1600](#)

July: -25.00  
August: -25.00  
September: -25.00

Maintenance & Repair Equipm

October: -25.00  
November: -25.00  
December: -25.00

Budget Transfers - Per Department Request  
January: -25.00  
February: -25.00  
March: -25.00

3,000.00 -300.00 2,700.00  
April: -25.00  
May: -25.00  
June: -25.00

## [10-4380-1350](#)

July: 41.67  
August: 41.67  
September: 41.67

Telephone

October: 41.67  
November: 41.67  
December: 41.67

Budget Transfers - Per Department Request  
January: 41.67  
February: 41.67  
March: 41.67

0.00 500.00 500.00  
April: 41.67  
May: 41.67  
June: 41.63

## [10-4380-3100](#)

July: -41.67  
August: -41.67  
September: -41.67

Auto Supplies

October: -41.67  
November: -41.67  
December: -41.67

Budget Transfers - Per Department Request  
January: -41.67  
February: -41.67  
March: -41.67

1,500.00 -500.00 1,000.00  
April: -41.67  
May: -41.67  
June: -41.63

## [10-4520-1100](#)

July: -154.42  
August: -154.42  
September: -154.42

Salaries and Wages

October: -154.42  
November: -154.42  
December: -154.42

Budget Transfers - Per Department Request  
January: -154.42  
February: -154.42  
March: -154.42

259,000.00 -1,853.00 257,147.00  
April: -154.42  
May: -154.42  
June: -154.38

## [10-4520-4500](#)

July: 154.42  
August: 154.42  
September: 154.42

Contracted Services

October: 154.42  
November: 154.42  
December: 154.42

Budget Transfers - Per Department Request  
January: 154.42  
February: 154.42  
March: 154.42

0.00 1,853.00 1,853.00  
April: 154.42  
May: 154.42  
June: 154.38

## [31-7100-1600](#)

July: -58.33  
August: -58.33  
September: -58.33

Maintenance & Repair Equipm

October: -58.33  
November: -58.33  
December: -58.33

Budget Transfers - Per Department Request  
January: -58.33  
February: -58.33  
March: -58.33

30,000.00 -700.00 29,300.00  
April: -58.33  
May: -58.33  
June: -58.37

## [31-7100-3300](#)

July: 8.33  
August: 8.33

Department Supplies And Mat

September: 8.33  
October: 8.33

Budget Transfers - Per Department Request  
November: 8.33  
December: 8.33

0.00 100.00 100.00  
January: 8.33  
February: 8.33



# Budget Adjustment Register

# Packet: GLPKT14526 - Budget Transfers for May Council Meeting

March: 8.33	April: 8.33	May: 8.33	June: 8.37
<a href="#">31-7100-4500</a>	Contracted Services	Budget Transfers - Per Department Request	29,990.00 600.00 30,590.00
July: 50.00	October: 50.00	January: 50.00	April: 50.00
August: 50.00	November: 50.00	February: 50.00	May: 50.00
September: 50.00	December: 50.00	March: 50.00	June: 50.00
<a href="#">32-7500-1400</a>	Travel and Training	Budget Transfers - Per Department Request	500.00 300.00 800.00
July: 25.00	October: 25.00	January: 25.00	April: 25.00
August: 25.00	November: 25.00	February: 25.00	May: 25.00
September: 25.00	December: 25.00	March: 25.00	June: 25.00
<a href="#">32-7500-1600</a>	Maintenance & Repair Equipm	Budget Transfers - Per Department Request	3,500.00 -300.00 3,200.00
July: -25.00	October: -25.00	January: -25.00	April: -25.00
August: -25.00	November: -25.00	February: -25.00	May: -25.00
September: -25.00	December: -25.00	March: -25.00	June: -25.00
<a href="#">33-7300-1110</a>	Overtime	Budget Transfers - Per Department Request	7,000.00 -2,500.00 4,500.00
July: -208.33	October: -208.33	January: -208.33	April: -208.33
August: -208.33	November: -208.33	February: -208.33	May: -208.33
September: -208.33	December: -208.33	March: -208.33	June: -208.37
<a href="#">33-7300-1200</a>	Printing, Publishing, and Public	Budget Transfers - Per Department Request	2,500.00 2,500.00 5,000.00
July: 208.33	October: 208.33	January: 208.33	April: 208.33
August: 208.33	November: 208.33	February: 208.33	May: 208.33
September: 208.33	December: 208.33	March: 208.33	June: 208.37

Adjustment Number	Budget Code	Description	Adjustment Date
BA0000239	Adopted by Council	Budget Transfers - Per Department Request	4/30/2024

## Summary Description:

Account Number	Account Name	Adjustment Description	Before	Adjustment	After
<a href="#">10-4900-1120</a>	Part-Time Wages	Budget Transfers - Per Department Request	4,000.00	-2,000.00	2,000.00
July: -166.67	October: -166.67	January: -166.67	April: -166.67		
August: -166.67	November: -166.67	February: -166.67	May: -166.67		
September: -166.67	December: -166.67	March: -166.67	June: -166.63		
<a href="#">10-4900-1250</a>	Publishing And Advertising	Budget Transfers - Per Department Request	3,000.00	1,500.00	4,500.00
July: 125.00	October: 125.00	January: 125.00	April: 125.00		
August: 125.00	November: 125.00	February: 125.00	May: 125.00		
September: 125.00	December: 125.00	March: 125.00	June: 125.00		
<a href="#">10-4900-1350</a>	Telephone	Budget Transfers - Per Department Request	2,500.00	200.00	2,700.00
July: 16.67	October: 16.67	January: 16.67	April: 16.67		
August: 16.67	November: 16.67	February: 16.67	May: 16.67		
September: 16.67	December: 16.67	March: 16.67	June: 16.63		
<a href="#">10-4900-1400</a>	Travel and Training	Budget Transfers - Per Department Request	17,000.00	2,500.00	19,500.00
July: 208.33	October: 208.33	January: 208.33	April: 208.33		
August: 208.33	November: 208.33	February: 208.33	May: 208.33		
September: 208.33	December: 208.33	March: 208.33	June: 208.37		
<a href="#">10-4900-3300</a>	Department Supplies And Mat	Budget Transfers - Per Department Request	13,350.00	700.00	14,050.00
July: 58.33	October: 58.33	January: 58.33	April: 58.33		
August: 58.33	November: 58.33	February: 58.33	May: 58.33		
September: 58.33	December: 58.33	March: 58.33	June: 58.37		
<a href="#">10-4900-4300</a>	Professional Services	Budget Transfers - Per Department Request	2,500.00	-2,000.00	500.00
July: -166.67	October: -166.67	January: -166.67	April: -166.67		
August: -166.67	November: -166.67	February: -166.67	May: -166.67		
September: -166.67	December: -166.67	March: -166.67	June: -166.63		
<a href="#">10-4900-5300</a>	Dues And Subscriptions	Budget Transfers - Per Department Request	5,955.00	1,500.00	7,455.00
July: 125.00	October: 125.00	January: 125.00	April: 125.00		
August: 125.00	November: 125.00	February: 125.00	May: 125.00		
September: 125.00	December: 125.00	March: 125.00	June: 125.00		
<a href="#">10-4900-8306</a>	Marketing Tarboro	Budget Transfers - Per Department Request	49,602.00	-2,400.00	47,202.00
July: -200.00	August: -200.00	September: -200.00	October: -200.00		

**Budget Adjustment Register**

**Packet: GLPKT14526 - Budget Transfers for May Council Meeting**

November:	-200.00	January:	-200.00	March:	-200.00	May:	-200.00
December:	-200.00	February:	-200.00	April:	-200.00	June:	-200.00

## Budget Code Summary

Budget	Budget Description	Account	Account Description	Before	Adjustment	After
As Adopted	Adopted by Council	<a href="#">10-4250-3150</a>	Gasoline & Fuel	2,000.00	1,000.00	3,000.00
		<a href="#">10-4250-3300</a>	Department Supplies And Materia	28,000.00	-3,880.00	24,120.00
		<a href="#">10-4250-4500</a>	Contracted Services	0.00	2,880.00	2,880.00
		<a href="#">10-4260-1502</a>	Maintenance and Repair - Recreati	20,000.00	300.00	20,300.00
		<a href="#">10-4260-1600</a>	Maintenance & Repair Equipment	3,000.00	-300.00	2,700.00
		<a href="#">10-4380-1350</a>	Telephone	0.00	500.00	500.00
		<a href="#">10-4380-3100</a>	Auto Supplies	1,500.00	-500.00	1,000.00
		<a href="#">10-4520-1100</a>	Salaries and Wages	259,000.00	-1,853.00	257,147.00
		<a href="#">10-4520-4500</a>	Contracted Services	0.00	1,853.00	1,853.00
		<a href="#">10-4900-1120</a>	Part-Time Wages	4,000.00	-2,000.00	2,000.00
		<a href="#">10-4900-1250</a>	Publishing And Advertising	3,000.00	1,500.00	4,500.00
		<a href="#">10-4900-1350</a>	Telephone	2,500.00	200.00	2,700.00
		<a href="#">10-4900-1400</a>	Travel and Training	17,000.00	2,500.00	19,500.00
		<a href="#">10-4900-3300</a>	Department Supplies And Materia	13,350.00	700.00	14,050.00
		<a href="#">10-4900-4300</a>	Professional Services	2,500.00	-2,000.00	500.00
		<a href="#">10-4900-5300</a>	Dues And Subscriptions	5,955.00	1,500.00	7,455.00
		<a href="#">10-4900-8306</a>	Marketing Tarboro	49,602.00	-2,400.00	47,202.00
		<a href="#">30-7200-1330</a>	Community Holiday Enhancement	10,000.00	-3,500.00	6,500.00
		<a href="#">30-7200-3400</a>	Online Utility Payment - CC Interc	185,000.00	115,000.00	300,000.00
		<a href="#">30-7200-5400</a>	Insurance and Bonds	100,000.00	25,000.00	125,000.00
		<a href="#">30-7210-1515</a>	Maintenance and Repair - Generat	50,000.00	15,000.00	65,000.00
		<a href="#">30-7210-3100</a>	Auto Supplies	65,000.00	3,500.00	68,500.00
		<a href="#">30-7210-3302</a>	Metering Supplies	30,000.00	-10,000.00	20,000.00
		<a href="#">30-7210-3303</a>	Load Management Supplies	10,000.00	-5,000.00	5,000.00
		<a href="#">30-7230-4800</a>	Purchased Power - Wholesale	16,250,000.00	-140,000.00	16,110,000.00
		<a href="#">31-7100-1600</a>	Maintenance & Repair Equipment	30,000.00	-700.00	29,300.00
		<a href="#">31-7100-3300</a>	Department Supplies And Materia	0.00	100.00	100.00
		<a href="#">31-7100-4500</a>	Contracted Services	29,990.00	600.00	30,590.00
		<a href="#">32-7500-1400</a>	Travel and Training	500.00	300.00	800.00
		<a href="#">32-7500-1600</a>	Maintenance & Repair Equipment	3,500.00	-300.00	3,200.00
		<a href="#">33-7300-1110</a>	Overtime	7,000.00	-2,500.00	4,500.00
		<a href="#">33-7300-1200</a>	Printing, Publishing, and Public Ed	2,500.00	2,500.00	5,000.00
<b>As Adopted Total:</b>				<b>17,184,897.00</b>	<b>0.00</b>	<b>17,184,897.00</b>
<b>Grand Total:</b>				<b>17,184,897.00</b>	<b>0.00</b>	<b>17,184,897.00</b>

Fund Summary

Fund	Before	Adjustment	After
Budget Code:As Adopted - Adopted by Council Fiscal: 2023-2024			
10	411,407.00	0.00	411,407.00
30	16,700,000.00	0.00	16,700,000.00
31	59,990.00	0.00	59,990.00
32	4,000.00	0.00	4,000.00
33	9,500.00	0.00	9,500.00
Budget Code As Adopted Total:	17,184,897.00	0.00	17,184,897.00
Grand Total:	17,184,897.00	0.00	17,184,897.00



## ***Town of Tarboro, North Carolina Mayor and Council Communication***

**Subject:** Appeal of the Nuisance Ordinance

**Date:** 5/13/2024

**Memo Number:** 24-23

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On March 11, 2024, the Town's Code Enforcement Officer inspected the property at 305 Walker Street following a complaint regarding a parking violation and determined that the property was not in compliance with the Town of Tarboro's Code of Ordinances, Chapter 10, Nuisance Section. Specifically, the vehicles not in compliance were determined to be a "neglected motor vehicle" as outlined in Section 10-25, C: "Not parked within a driveway or delineated parking area specifically designed for vehicular parking."

As outlined within the ordinance as the proper procedure, a violation letter was sent to the property owner. Within the standard letter includes the method for appeal, and the Code Enforcement Officer received an appeal letter from the property owner, Larry Battle, who also presented his appeal to Council at the April 2024 Town Council meeting. The receipt of an appeal stays enforcement of the ordinance, removal of the vehicle from the property, until the Council makes a determination.

In the event of an appeal, Town Council may hear all interested persons and review the findings of the Authorizing Official (Code Enforcement Officer). Following the gathering of such information, Council may either reverse the findings of the Authorizing Official made pursuant to Section 10-4(1)(a) OR if Council shall determine that the findings of the Authorizing Official (Code Enforcement Officer) made pursuant to this Chapter are correct, Council shall adopt an ordinance specifically declaring the condition existing on the property to be a danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Town and a public nuisance and directing the Authorizing Official to cause the conditions to be abated and a lien to be placed against the property for any cost to the Town incurred by removal as stated within the Ordinance.

Council shall find the attached documentation which includes the violation letter mailed to the property owner, the appeal letter from the property owner, and a copy of the Code of Ordinances, Chapter 10 – Nuisances. Should Council choose to determine the findings to be correct, an ordinance declaring the property to be a nuisance has been attached.

### **ATTACHMENTS:**

Description	Upload Date	Type
Larry Battle's Appeal Letter	5/6/2024	Backup Material
Town of Tarboro Nuisance Ordinance	5/6/2024	Backup Material
305 Walker Street Violation Notice	5/7/2024	Backup Material
Ordinance Determining a Nuisance	5/8/2024	Ordinance



3/15/2023

Hey I do not agree with the decision that have come about all of my vehicles are running and are up to date. I don't park in my driveway because my daughter is also driving and I want have to move my vehicle everytime one of us go out of the yard. I don't park on the sidewalk because of my grand daughter is sick and use a wheel chair to go out and in and to catch the bus. She has cerebar palsy and can't walk so I try to make access for my daughter to get her in and out. This is so the bus will be able to get close to the driveway to let the ramp out to pick her up. Also if all vehicle are park on street then the street sweeper will not be able to do their job. I also feel you own your own property you should be able to park your cars were you want to. they are not in no one's way but ours. So I disagree with this situation. Its not fare to homeowners and other tenants.

sign Larry Battle



# Chapter 10 – Nuisances

## Article 1. – IN GENERAL

### Sec. 10.1 – Described; Prohibited

- (1) Anything that causes offensive odor or that causes injury or damage to the health or life of any other person or anything that interferes with the peaceful enjoyment of one's property is hereby declared a nuisance.
- (2) It shall be unlawful for any person to create a nuisance on a lot owned or occupied by them or to allow a nuisance to remain on a lot owned or occupied by them.
- (3) The Town Council has found it necessary and desirable to promote or enhance:
  - (a) The quality of urban attractiveness and the aesthetic appearance of the Town;
  - (b) The protection of property values throughout the Town;
  - (c) The preservation of the livability and attractiveness of neighborhoods;
  - (d) The promotion of tourism, conventions, and other opportunities for economic development for the Town;
  - (e) The attractiveness of the Town's thoroughfares and commercial roads which present the primary, public visibility to visitors and passers-by of the Town; and
  - (f) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of nuisances, junked, or neglected motor vehicles as defined in this Chapter.

### Section 10.2 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abate / Abatement:** To cause the violation on a property to cease by removal of nuisance materials, vehicles, etc.

**Authorizing Official:** The Town Manager, or their assigns, designated to authorize the abatement of nuisances or removal of vehicles under the provisions of this Chapter.

**Building Materials:** Lumber, brick, stone carpet, plumbing materials, plaster, concrete, roofing, floor coverings, gutters or other materials or substances suitable for or commonly used in the construction or repair of houses, commercial buildings and other structures, driveways, fences, decks, landings, patios, porches or carports.

**Building Rubbish:** Rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including but not limited to stones, brick, plaster, lumber, concrete, and waste parts occasioned by installations and replacements.

**Chronic Violator:** As defined in N.C.G.S Section 160A.200.1(d) is any person who owns property whereupon, in the previous calendar year, the Town gave notice of violation at least three times under any provision of this Chapter.

**Combustible Refuse:** Refuse, capable of incineration or burning, such as garbage, paper, rags, boxes and wood.

**Dwelling:** A building or portion of a building providing complete and permanent living facilities, including cooking and bathing facilities.

**Garbage:** Animal and vegetable refuse resulting from the handling, preparation, cooking, and consumption of food, including a minimum amount of liquid necessary incident thereto.

**Harmful Insects:** Mosquitoes, ticks, fleas and flies and other arthropods which can be living transporters and transmitters of a causative agent of a disease.

**Junk:** Any furniture, appliances, machinery, equipment, building fixture, automotive parts, tires, or other similar items which is either in a wholly or partially rusted, wrecked, dismantled, or inoperative condition.

**Litter:** Any discarded manmade materials, including, but not limited to, garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, or motor vehicle part, solid waste materials, industrial materials and hazardous waste, or discarded material in any form resulting from domestic, industrial, commercial, medical or agricultural operations.

**Noxious:** Injurious to physical or mental health and capable of causing harm.

**Noxious Vegetation:** Plants that cause dermatitis through direct or indirect contact or plants that cause internal poisoning if eaten or ingested including but not limited to poison sumac, poison ivy or poison oak.

**Nuisance:** Any condition that is dangerous or prejudicial to the public health or public safety.

**Odor:** The property of a substance or that creates a distinctive and unpleasant smell. A noxious odor is one is injurious to physical or mental health and capable of causing physical harm, or negatively impacts the livability of surrounding properties or persons.

**Open Place:** A yard area, a vacant lot; a deck, landing, patio, porch or carport not totally enclosed by a roof, walls, screens or glass windows; or the parkway between the sidewalk and the street curb or pavement edge. The term does not include lands zoned for agriculture, wildlife sanctuary, or research farm.

**Weed:** Any undesired, uncultivated plant.

**White Goods:** Residential appliances limited to washing machines, clothes dryers, stoves, ranges, ovens, refrigerators, freezers, dishwashers, and water heaters.

**Yard Waste:** Grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards and gardens.

### **Sec. 10.3 – Nuisances Prohibited; Enumeration**



Any of the following enumerated and described conditions occurring in an open place, or on public or private property is hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Town of Tarboro and is found, deemed, and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. Every such nuisance shall be abated pursuant to the abatement procedures as provided in Sections 10-4 through 10-7 of this Chapter.

- (1) The accumulation and existence of stagnant water, trash, debris, junk, or other noxious vegetation or material upon any lot or part thereof within the corporate limits of the Town of Tarboro.
- (2) Any place of dense growth of weeds or grasses, other than ornamental grasses, over eight inches in height.
- (3) The storage outside of any building or dwelling in a place accessible to children of any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, or lock which may not be released from opening from the inside of such icebox, refrigerator, or container.
- (4) Any condition which creates or provide a breeding ground or harbor for rodents, harmful insects, or pests.
- (5) A collection point or ponding of stagnant water with conditions causing, or likely to cause, mosquitoes or other harmful insects to breed.
- (6) Any concentration of combustible refuse.
- (7) Any concentration of building materials or building rubbish which are not suitable for building construction, alteration, or repair, or any concentration of building materials which becomes a focal point for any other nuisance enumerated in this Chapter.
- (8) Any concentration of collection of garbage, animal waste, yard waste, or any rotten or putrescible matter of any kind which is not maintained for collection. Nothing in this Section shall be construed to prevent the generally accepted use of a properly maintained compost pile sited in the side or rear yard area being used for fertilizer for lawns and gardens or other agricultural or horticultural purposes, unless such concentration becomes a focal point for any other nuisance enumerated in this Chapter.
- (9) Household or office furniture, any household fixtures, white goods or appliances, metal products of any kind and similar items not designed to withstand the elements or for outdoor use. This subsection shall not prevent:
  - (a) The use of household furniture on a totally enclosed porch having roof, walls, screens, or glass windows; or
  - (b) The use of furniture in good condition which is designed for outdoor use such as a patio or lawn furniture on porches or landings or in yard areas or other open places.
- (10) Any junk or concentration of litter.
- (11) Any other condition specifically declared to be a danger to the public health, safety, morals, and general welfare of the inhabitants of the Town of Tarboro and a public nuisance by the Town Council.

#### **Sec. 10-4. – Notice of Nuisance; Abatement Procedures**

It shall be the duty of any owner, lessee or occupant of any lot or land to maintain said lot or land in such a condition that none of the nuisances enumerated in Section 10.3 of this Chapter are allowed to exist or persist on public or private property, or in an open place. When any enumerated nuisance is found to exist on any property or open place, the following procedure shall be followed:

- (1) The Authorizing Official shall notify the owner of the premises where the nuisance is located that:
  - (a) The conditions identified in the notice of violation exist which constitute a public nuisance; and
  - (b) The Code provision(s) identified by Code section number are violated by the stated conditions on the property; and
  - (c) The Authorizing Official will assess civil penalties and administrative fee of one hundred dollars (\$100.00) for second notice of violation of the Nuisance Code provisions; and
  - (d) The Authorizing Official will assess civil penalties and administrative fee of two hundred fifty dollars (\$250.00), per day, for third and subsequent notice of violation of the Nuisance Code provisions occurring within twelve (12) months of the first such notice of violation, and
  - (e) Unless the public nuisance is abated within ten (10) calendar days from the mailing of the notice, the Authorizing Official will initiate the procedures to abate the conditions constituting a nuisance; and
  - (f) The cost of abatement, including an administrative fee of one hundred seventy-five dollars (\$175.00), also including the cost, if any, to reseed areas which were formerly a nuisance, shall constitute a lien against the premises.

#### **Sec. 10-5. – Right to Enter Property; Appeal**

- (1) The Authorizing Official is hereby given full power and authority to enter upon the premises involved for the purposes of abating the nuisance found to exist.
- (2) Within the ten-day period specified in Section 10-4(1)(d), the owner of the property where the nuisance exists may appeal the findings of the Authorizing Official made pursuant to Section 10.4(1)(a) by giving written notice of the appeal to the Authorizing Official. The appeal will stay the abatement of the nuisance by the Authorizing Official until a final determination by the Town Council. In the event no appeal is taken, the Authorizing Official may proceed to abate the nuisance.
- (3) Town Council, in the event that an appeal is taken, may, after hearing all interested persons and reviewing the findings of the Authorizing Official, reverse the findings made pursuant to Section 10-4(1)(a); but if the Town Council shall determine that the findings of the Authorizing Official made pursuant to this Chapter are correct, it shall adopt an ordinance specifically declaring the condition existing on the property to be a danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Town and a public nuisance and directing the Authorizing Official to cause the conditions to be abated.

#### **Sec. 10-6. - Abatement by town.**

If the person upon whom the notice provided for in this article is served fails, neglects or refuses to correct the nuisance cited pursuant to Section 10-4 within ten (10) days after receipt of such notice, or if no person can be found in the Town who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the Authorizing Official may cause such nuisance to be abated.

#### **Sec. 10-7. - Recovery of town's cost of abatement.**

- (1) The expense of the action to abate a nuisance shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.
- (2) The expense of the action is also a lien on any other real property owned by the person in default within the Town limits or within one mile of the Town limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

#### **Sec. 10-8 – Annual Notice to Chronic Violators**

- (1) Pursuant to N.C.G.S 160A-200.1, the Town of Tarboro shall notify a chronic violator of this Chapter that, if the violator's property is found to be in violation of this Chapter, the Town shall, without further notice in the calendar year, take action to remedy the violation, and the expense shall become a lien upon the property and shall be collected as unpaid taxes.
- (2) This annual notice shall be sent registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

#### **Sec. 10-9. – Management of Grass Clippings and Vegetative Matter.**

- (1) In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into surface waters, stormwater drains, ditches, conveyances, watercourses, water bodies, wetlands, sidewalks or streets. Any material that is accidentally so deposited shall be immediately removed to the maximum extent possible.
- (2) Any person or company found in violation of said ordinance will first be issued a warning to immediately cease the violation by an authorized law enforcement officer. Any person or company found in violation of said ordinance a second time will be issued a civil citation in the amount of one hundred dollars (\$100.00) by an authorized law enforcement officer. Any person or company found in violation of said ordinance a third time will be issued a civil citation in the amount of two hundred fifty dollars (\$250.00) by an authorized law enforcement officer. Due to the nature of such violations, a notice of violation is not required to be mailed to or issued to the violator and no additional time is required to be given. In addition to remedies provided herein, any violation of the terms of this section shall subject the violator to the penalties and

remedies, either criminal or civil or both, as set forth in the Tarboro Code of Ordinances.

#### **Sec. 10-10 – Time Limits for Abatement**

Pursuant to N.C.G.S Sections 1.49 and 1.51, abatement of violations of this Chapter are subject to the following time limits:

- (1) Five years from the time that the facts constituting a violation become known to the Town Council, agent or employee of the Town.
- (2) Seven years from the time that a violation is visible from a public right-of-way or is in plain view from a place to which the public is invited.
- (3) These time limits do not apply to the remedy of conditions that are actually injurious or dangerous to the public health and safety.

#### **Sec. 10.11 – 10.24 Reserved**

## **Article II – ABANDONED, JUNKED, AND NEGLECTED MOTOR VEHICLES**

#### **Sec. 10-25 – Definitions**

**Abandoned Motor Vehicle:** As authorized and defined in G.S. Section 160A-303, is a vehicle that:

- (a) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (b) Is left on a public street or highway for longer than seven days;
- (c) Is left on property owned or operated by the Town for longer than twenty-four hours; or
- (d) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than twenty-four hours.

**Authorizing Official:** The Town Manager, or their assigns, designated to authorize the abatement of nuisances or removal of vehicles under the provisions of this Chapter.

**Classic Car:** A classic car is motor vehicle that is at least 20 years old and has been restored, is being restored, or operates in the manner in which it was originally intended.

**Driveway:** A vehicular access from a public or private street to a property or properties constructed of materials intended for vehicular traffic, such as asphalt, concrete, gravel or similar materials.

**Junked Motor Vehicle:** As authorized and defined in GS Section 160A-303.b2 means a vehicle that:

- (a) Is partially dismantled or wrecked; or
- (b) Cannot be self-propelled or moved in the manner in which it was intended to move; or

- (c) Is more than five years old and worth less than \$500, or;
- (d) Does not display a current license plate; or
- (e) Is not exempt from this Chapter as specified in Section 10.40.

**Motor Vehicle:** As defined in GS Section 160A-303.b means all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

**Neglected Motor Vehicle:** A motor vehicle on public or private property that is determined and declared to be a public nuisance, and unlawful, including a vehicle:

- (a) That does not leave the property upon which it is situated for 60 consecutive days; or
- (b) Not parked or stored within a substantially enclosed structure, such as a carport or garage; or is not covered by a UV protective covering that is intact and in good condition designed specifically for the motor vehicle; or,
- (c) Not parked within a driveway or delineated parking area specifically designed for vehicular parking.

**Nuisance Motor Vehicle:** A motor 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 mosquitos, other insects, rats or other pests; or
- (b) A point of heavy growth of weeds or other noxious vegetation over eight 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 material of any kind; or
- (h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

## **Sec. 10-26 – Administration**

- (1) The Police Department shall be the Authorizing Official 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.

- (2) The Town Manager, or designee, shall be the Authorizing Official responsible for administering the removal and disposition of abandoned, nuisance, junked, or neglected motor vehicles located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned vehicles, nuisance vehicles, neglected motor vehicles, and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this article 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.

#### **Sec. 10-27 – Abandoned Motor Vehicle**

- (1) It shall be unlawful for the registered owner or person entitled to the possession of a motor vehicle to cause or allow such motor vehicle to be abandoned.
- (2) Upon investigation, proper Authorizing Official of the Town may determine that a motor vehicle meets the definition of an abandoned motor vehicle and order the vehicle removed.

#### **Sec. 10-28 – Nuisance Motor Vehicle Unlawful; Removal Authorized**

- (1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle or for the owner, lessee, or occupant upon real property upon which the vehicle is located to leave or allow the motor vehicle to remain on the property after it has been declared a nuisance motor vehicle.
- (2) Upon investigation, the Authorizing Official may determine that a motor vehicle is a health and safety hazard meeting the definition of a Nuisance Motor Vehicle, declare that the motor vehicle is a health or safety hazard, and order the motor vehicle removed.
- (3) Abatement of a nuisance motor vehicle violation shall follow the procedures outlined in Sections 10-4 through 10-7 of this Chapter.

#### **Sec. 10-29 – Junked Motor Vehicle Regulated; Removal Authorized**

- (1) 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 motor vehicle has been ordered removed.
- (2) It shall be unlawful to have a junked motor vehicle on the premises of public or private property.
- (3) Upon investigation, the Authorizing Official may order the removal of a junked motor vehicle after finding in writing that the aesthetic benefits of removing the motor 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:
  - a) Protection of property values; or
  - b) Promotion of tourism or other economic development opportunities; or
  - c) Indirect protection of public health and safety; or

- d) Preservation of the character and integrity of the community; or
  - e) Promotion of the comfort, happiness, and emotional stability of area residents.
- (4) Abatement of a junked motor vehicle violation shall follow the procedures outlined in Sections 10-4 through 10-7 of this Chapter.

**Sec. 10-30 – Neglected Motor Vehicle Regulated; Removal Authorized**

- (1) It shall be unlawful for the registered owner or person entitled to the possession of a neglected motor vehicle, or for the owner, lessee or occupant of the real property upon which a neglected motor vehicle is located to leave or allow the vehicle to remain on the property after the motor vehicle has been ordered removed.
- (2) It shall be unlawful to have a neglected motor vehicle on the premises of public or private property.
- (3) Upon investigation, the Authorizing Official may order the removal of a Neglected Motor Vehicle after finding in writing that the aesthetic benefits of removing the motor vehicle outweigh the burdens imposed on the private property. 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:
  - (a) Protection of property values; or
  - (b) Promotion of tourism or other economic development opportunities; or
  - (c) Indirect protection of public health and safety; or
  - (d) Preservation of the character and integrity of the community; or
  - (e) Promotion of the comfort, happiness, and emotional stability of area residents.
- (4) Abatement of a neglected vehicle violation shall follow the procedures outlined in Sections 10-4 through 10-7 of this Chapter.

**Sec. 10-31 – Removal; Pre-Towing Notice Requirement**

- (1) Except as set forth in Section 10-33, an abandoned, nuisance, junked, or neglected motor vehicle shall be towed only after notice to the registered owner or person entitled to possession of the motor vehicle. In the case of a nuisance, junked, or neglected motor vehicle, if the name and mailing address of the registered owner or person entitled to the possession of the vehicle or 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 shall retain a written record to show the name and address to which mailed and the date mailed. If such names and addresses cannot be ascertained or if the motor 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 motor vehicle a notice indicating that the motor vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is affixed. The notice shall state that the motor vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the motor vehicle is moved by the owner or legal possessor prior to that time.

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

#### **Sec. 10-32 – Exceptions to Prior Notice Requirement**

- (1) The requirement that notice be given prior to the removal of an abandoned, nuisance, junked, or neglected motor vehicle may, as determined by the Authorizing Official, be omitted in 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 motor vehicles without prior notice include:
  - (a) Motor Vehicles abandoned on the streets: For motor vehicles left on public streets and highways, the Town Council hereby determines that immediate removal of such motor vehicles may be warranted when they are:
    - (i) Obstructing traffic; or
    - (ii) Parked in violation of an ordinance prohibiting or restricting parking; or
    - (iii) Parking in a no-stopping or no-standing zone; or
    - (iv) Parked in a loading zone; or
    - (v) Parked in a bus zone; or
    - (vi) Parked in violation of a temporary parking restriction imposed under this Code.
- (2) Other abandoned or nuisance motor vehicles: With respect to abandoned or nuisance motor vehicles left on city-owned property other than streets and highways and on private property, such motor 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 motor vehicles blocking or obstructing ingress or egress to businesses and residences, motor vehicles parked in such a location or manner to pose a traffic hazard, and motor vehicles causing damage to public or private property.

#### **Sec. 10-33 – Removal of Motor Vehicle; Post-Towing Notice Requirements**

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



- (a) The description of the removed motor vehicle; and
  - (b) The location where the motor vehicle is stored; and
  - (c) The violation with which the owner is charged, if any; and
  - (d) The procedure the owner must follow to redeem the motor vehicle; and
  - (e) The procedure the owner must follow to request a probable cause hearing on the removal.
- (2) The Town shall attempt to give notice to the motor vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set for in subsections (1)(a) through (1)(e) of this section, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the motor vehicle owner or their agent.
- (3) If the motor vehicle is registered in the State of North Carolina, notice shall be given within twenty-four hours. If the motor vehicle is not registered in the State of North Carolina, notice shall be given to the registered owner within seventy-two hours from the removal of the motor vehicle.
- (4) Whenever an abandoned, nuisance, junked, or neglected motor vehicle is removed and such motor vehicle has no valid registration or registration plates, the Authorizing Official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the motor vehicle and notify them of the information as set forth in subsections (1)(a) through (1)(e) of this section.

#### **Sec. 10-34 – Right to Hearing Before Sale or Final Disposition of Motor Vehicle**

After removal of an abandoned, nuisance, junked or neglected motor vehicle, the owner or any other person entitled to the possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the motor vehicle. A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive such hearing requests. The County Magistrate will set the hearing within seventy-two hours of the receipt of the request, and the hearing will be conducted in accordance with the provisions of N.C.G.S Section 20-222.

#### **Sec. 10-35 – Redemption of Vehicle During Proceedings**

At any stage of the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed motor vehicle by paying a 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 motor vehicle. Upon regaining possession of a motor vehicle, the owner or person entitled to the possession of the motor vehicle shall not allow or engage in further violation of this article.

#### **Sec. 10-36 – Sale and Disposition of Unclaimed Motor Vehicle**

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

#### **Sec. 10-37 – Conditions on Removal of Vehicle From Private Property**

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

#### **Sec. 10-38 – Protection Against 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, junked, or neglected motor vehicle for disposing of such motor vehicle as provided for in this article.

#### **Sec. 10-39 – Unlawful Removal of an Impounded Vehicle**

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

#### **Sec. 10-40 – Exceptions**

Nothing in this article shall apply to any motor vehicle:

- (1) Which is located in a bona fide automobile graveyard or junkyard as defined in N.C.G.S Section 136-143, in accordance with the Junkyard Control Act, N.C.G.S Section 136.141 et seq; or
- (2) Which is in an enclosed building; or
- (3) Which is on the premises of a business enterprise being operated in a lawful place and manner if the motor 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; or
- (5) Meeting the definition of a Classic Car as defined in this article. If a motor vehicle meeting the definition of a Classic Car is in the process of being restored to its original condition, the Classic Car must be covered with a UV protective cover designed specifically for the motor vehicle or within an enclosed structure when work on the motor vehicle is not active. Proof of active restoration efforts must be provided if requested by the Authorizing Official.

#### **Sec. 10.41 – 10.50 Reserved**

### **Article III – AIR POLLUTION**

#### **Sec. 10-51. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Dust:** Gas-borne particles larger than ten (10) microns in mean diameter.

**Dust-separating equipment:** Any device for separating dust from the gas medium in which it is carried.

**Fuel-burning equipment:** Any furnace, incinerator, refuse-burning equipment, boiler, apparatus, device, mechanism, stock or structure used in the process of burning fuel or combustible material.

**Fumes:** Gases or vapors that are of such character as to create an unclean, destructive, offensive or unhealthful condition.

**Internal combustion engine:** An engine in which combustion of a gaseous liquid or pulverized solid fuel takes place within one (1) or more cylinders.

**Open fire:** Any fire wherein the products of combustion are emitted into the open air and are not directed into the air through a stack or chimney.

**Ringelmann Smoke Chart:** The Ringelmann Chart with instructions for use as published by the U.S. Bureau of Mines, 1945.

**Smoke:** Small gas-borne particles consisting essentially of carbonaceous material in sufficient number to be observable.

**Soot:** agglomerated particles consisting essentially of carbonaceous material.

**Stack or chimney:** A flue, conduit or opening arranged for emitting gases into the open air.

**Volatile:** The gaseous constituents of solid fuels as determined by the standard A.S.T.M. procedure amended or revised to date.

#### **Sec. 10-52. - Inspection of Fuel-Burning Equipment.**

- (1) An inspection of any fuel-burning equipment within the town under the provisions of this article, whether or not a previous certificate of operation allowing the use of the plant has been issued by the town manager, may be made at any time to see that such equipment and plant can be operated in conformity with the provisions of this article. Upon notice that the equipment has been found to comply with the provisions of this article, the town manager shall issue a certificate of operation which shall be posted in a conspicuous place within the plant.
- (2) If at the time of the first inspection or of any inspection subsequent to the issuance of the certificate of operation it is found that the equipment is in such condition that it cannot be operated within the provisions of this article, the town manager shall give notice in writing to the person owning, operating or in charge of such equipment of the defects found and an order to correct, repair or replace the defective equipment, and it then becomes incumbent upon the owner or operator to comply with such orders. Failure to comply with this order within thirty (30) days from its date shall be a violation of this section, and the town manager is hereby authorized to seal the equipment.
- (3) Each day of failure to comply after the thirty-day period shall constitute a separate offense

#### **Sec. 10-53. - Right of Entry.**

Subject to constitutional limitations, no person shall in any manner hinder, obstruct, delay, resist, prevent or in any way interfere or attempt to interfere with the town manager or any of the personnel of his department in the performance of any duty required under the provisions of this article; nor shall any person refuse to permit such inspectors to perform their duty by refusing any of them entrance to the premises at reasonable hours.

**Sec. 10-54. - Smoke Indicators, Mirrors or Devices Required for Certain Fuel-Burning Plants.**

All newly constructed or reconstructed solid or liquid fuel-burning plants having more than five hundred (500) square feet of boiler heating surface (50 H.P.) or its equivalent shall be equipped with smoke indicators, mirrors or similar devices, approved by the town manager to enable the fireman to observe the top of the stack from the boiler room at all times, unless the top of the stack is readily visible to the fireman from the boiler room without the use of such devices. In plants where a fireman is not in constant attendance in the boiler room, the smoke indicator shall be of a type which will sound an alarm or flash a signal to attract the attention of the fireman. Any existing plant which emits unlawful smoke may be required to install such indicating devices.

**Sec. 10-55. - Standard for Grading Shade or Density of Smoke.**

For the purpose of grading the shade or density of smoke, the Ringelmann Chart as now published and used by the U.S. Bureau of Mines, which is hereby made a part of this article by reference, shall be the standard.

**Sec. 10-56. - Discharge of Smoke, Dust and Fumes.**

No person who operates or is responsible for the operation of any fuel-burning equipment, internal combustion engine, locomotive, vehicle, premises, open fire or stack shall cause, suffer or allow to be discharged therefrom any smoke, dust or fumes that are a nuisance to any person not being engaged in or upon the operation or that are a detriment or injurious to the health, welfare or property of others

**Sec. 10-57. - Emission of Smoke.**

- (1) The emission of smoke at any time within the corporate limits of the town of the shade or density greater than No. 2 of the Ringelmann Chart shall be a violation of this article.
- (2) No person who operates or is responsible for the operation of any fuel-burning equipment, internal combustion engine, premises, open fire or stack shall cause, suffer or allow to be discharged therefrom smoke the shade or density of which is equal to or greater than No. 2 of the Ringelmann Chart for a period aggregating four (4) minutes or more in any thirty (30) minutes, except smoke the shade or density of which is equal to No. 2 and not greater than No. 3 of the Ringelmann Chart may be emitted for a period aggregating three (3) minutes in any fifteen (15) minutes for the following reasons only: When building a new fire, cleaning a fire, or when breakdown of equipment occurs which makes it evident that the emission was not reasonably preventable.
- (3) No person who operates or is responsible for the operation of any locomotive or vehicle shall cause, suffer or allow to be discharged therefrom smoke, the shade or density of which is equal to or greater than No. 2 of the Ringelmann Chart, for a period aggregating more than one (1) minute in any fifteen (15) minutes, except smoke the shade or density of which is equal to No. 2 and not greater than No. 3 of the Ringelmann Chart may be emitted for a period or periods aggregating three (3) minutes in any fifteen (15) minutes for the following reasons only: When building a new fire, when cleaning fires or when the breakdown of equipment occurs which makes it evident that the emission was not reasonably preventable.

**Sec. 10-58. - Discharge of Dust.**

No person who operates or is responsible for the operation of any fuel-burning equipment shall cause, suffer or allow to be discharged therefrom or to pass any convenient measuring point in the stack thereof dust in the gases to exceed eighty-five hundredths pound per one thousand (1,000) pounds of gases, adjusted to twelve (12) percent CO<sub>2</sub> content. The amount of solids in the gases shall be determined according to the Test Code for Dust-Separating Apparatus of the American Society of Mechanical Engineers, revised and amended to date, which is hereby made a part of this article by reference.

**Sec. 10-59. - Liability for Violation.**

All persons owning, operating or in charge or control of any equipment who shall cause or permit or participate in any violation of any of the provisions of this article, either as proprietors, owners, lessees, tenants, managers, superintendents, constructors, installers, mechanics, repairmen, captains, janitors, engineers, firemen, or otherwise, shall be individually and collectively liable for any fines, penalties or punishment which may be imposed for the violation of this article.

**Sec. 10-60. - Sealing of Equipment in Violation.**

After any person who has been previously notified of three (3) or more violations of this article within any consecutive twelve-month period in respect to the emission of smoke, dust or fumes, that person shall be notified to show cause before the town manager on a specified day, to be not less than ten (10) days from the date of notice, why the equipment causing such violations should not be sealed. The notice provided for in this section may be given by mail directed to the last known address of the person to be notified or, if the address or the whereabouts is unknown, then by posting a notice on or near the premises at which the violations shall have occurred. Upon the date specified the person or representative of such person may appear and be heard. Upon such hearing, if the town manager finds that adequate corrective means and methods have not been employed to correct the complained of condition, then it shall be his duty to seal the equipment until such time as a new operating certificate, as provided under this article, has been applied for and issued. An appeal from this order may, within ten (10) days, be made to the town council, and such appeal shall act as a stay of decision by the town manager pending the decision of the town council.

**Sec. 10-61. - Violating Seal Placed on Equipment.**

No person shall violate the seal on any fuel-burning equipment that has been placed on the equipment by or at the direction of the town manager, unless first authorized in writing by him to do so.

**Sec. 10-62. - Appeals.**

Any person taking exception to any decision, ruling, regulation or order of the town manager made or promulgated under the provisions of this article may appeal to the town council. Such appeal shall be taken within ten (10) days after the decision, ruling, regulation or order complained of by filing, in writing, with the town manager a notice of appeal directed to the town council specifying the grounds thereof and the relief sought. A deposit of ten dollars (\$10.00) shall be posted by the appellant at the time of the appeal to cover the cost of the hearing. The town manager shall forthwith furnish to the town council all the papers relating to the decision, ruling, regulation or order which is appealed. The town council shall set a date not less than five (5) days and not more than forty (40) days after the date of filing of the appeal for the hearing and shall give notice thereof by mail to all interested parties. The appellant may appear at the hearing in person or may be represented by agent or by attorney. The town council shall

affirm, modify or set aside the decision of the town manager or shall make other disposition of the matter as in the opinion of the town council the good of the town may require. The decision of the town council in any such case shall be final.

**Secs. 10-63—10-90. - Reserved.**

## **ARTICLE IV. - REMOVAL OF GRAFFITI**

**Sec. 10-91. - Purpose and Intent.**

The purpose and intent of this article are to provide for the expeditious removal of graffiti on private property within the town. The town council declares such graffiti to be a nuisance by undermining (1) the quality of urban attractiveness and the aesthetic appearance of the town, (2) the protection of property values, (3) the preservation of the livability and attractiveness of neighborhoods, and (4) the promotion of opportunities for economic development of the town. In addition, the town council finds that such graffiti is frequently a means of communication by street gangs engaging in unlawful activity and is thereby injurious to the public welfare and safety.

**Sec. 10-92. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Graffiti:** Any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of private property, natural or manmade and that is exposed to public view, without the prior written consent of the property owner delivered to the person placing the graffiti on the property.

**Private property:** Any privately owned real property, including any fixtures or improvements to such property, located within the town's limits.

**Property owner:** The owner of the private property, such owner's manager or agent, or any other person in lawful control or possession of the property.

**Removal of graffiti:** The use of any method that has the effect of obscuring, erasing or otherwise removing the graffiti from public view.

**Sec. 10-93. - Failure to Remove Graffiti Unlawful.**

It is unlawful for any property owner to fail to remove, or fail to cause the removal of, graffiti in accordance with section 10-94 of this article.

**Sec. 10-94. - Procedures for Removal of Graffiti.**

- (a) Within seven (7) days after the property owner discovers the existence of graffiti on his private property or within seven (7) days after the property owner receives written notice from the town by registered or certified mail, return receipt requested, of the existence of graffiti on the owner's property, whichever event occurs earlier, the property owner shall remove or cause the graffiti to be removed from his property in accordance with paragraph (b) of this section.

- (b) The property owner shall either (1) remove the graffiti at the owner's expense, or (2) authorize the town to remove the graffiti at its own expense by signing an authorization of removal on a form prescribed by the town manager, along with a release that holds the town harmless from any liability to the owner on account of the town's removal of the graffiti in accordance with the removal method specified in the authorization of removal.
- (c) In the event the property owner authorizes the town to remove the graffiti at its own expense in accordance with subparagraph (b)(2) of this section, the town shall not be required to rectify any area defaced by the graffiti more extensively than where the graffiti itself is located and shall not be required to restore the area where the graffiti is removed to the area's original condition (i.e., exact color, textures, etc.).

**Sec. 10-95. - Penalties and Remedies.**

- (a) A violation of any provision of this article shall subject the offender to a civil penalty of one hundred dollars (\$250.00). If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of a debt.
- (b) The town may seek to enforce this article through any appropriate equitable action.
- (c) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate violation.
- (d) The town may seek to enforce this article by using any one or a combination of the foregoing remedies.



# Town of Tarboro

500 N Main Street, PO Box 220, Tarboro, NC 27886 (P) 252.641.4200 (F) 252.641.4286

March 11, 2024

Larry Battle  
305 Walker St.  
Tarboro, NC 27886

**Re: Neglected Motor – 305 Walker Street – (Vehicles not in Driveway)  
Gold Ford Taurus; White Nissan Pickup; GMC Pickup; Nissan Versa (Tag # KAD-1903)**

Dear Property Owner:

Code Enforcement has performed an inspection.

A neglected motor vehicle has been located at the above-said property. A neglected motor vehicle is a health and safety hazard, a public nuisance, and unlawful. The following conditions exist:

- a) That does not leave the property upon which it is situated for 60 consecutive days; or
- b) Not parked or stored within a substantially enclosed structure, such as a carport or garage; or is not covered by a UV protective covering that is intact and in good condition designed specifically for the motor vehicle; or
- c) Not parked within a driveway or delineated parking area specifically designed for vehicular parking.

You will have ten (10) days from the date of this letter to correct the neglected motor vehicle or the neglected vehicle will be removed.

You may appeal in written notice to the Authorizing Official within ten (10) days of the date of letter. The appeal will stay the abatement of the above-referenced vehicle(s) until a final determination by the Town Council. In the event no appeal is taken, the Authorizing Official may proceed to abate the nuisance.

Feel free to contact the Inspections Office with any questions at 252-641-4236, and our office hours are from 8 a.m. – 9 a.m. and 1 p.m. – 2 p.m. Monday through Friday.

Regards,

Code Enforcement

CE/kw



## TOWN OF TARBORO

### ORDINANCE NO. \_\_

AN ORDINANCE ORDERING THE AUTHORIZING OFFICIAL OF THE TOWN OF TARBORO TO EFFECTUATE THE PURPOSES OF CHAPTER 10 – CHAPTER 10 “NUISANCES” OF THE TOWN CODE AS THE PROPERTY AT 305 WALKER STREET IN THE TOWN OF TARBORO, OWNED BY LARRY BATTLE.

WHEREAS, the State Legislature has found and declared that municipalities have the authority to regulate the protection of property values, promotion of tourism or other economic development opportunities, indirect protection of public health and safety, and preservation of the character and integrity of the community, and promotion of the comfort, happiness, and emotional stability of area residents; and

WHEREAS the State Legislature has given municipalities the ability to exercise their powers and enforce Nuisance Ordinances that maintain the above community standards; and

WHEREAS, on March 11, 2024, pursuant to a Violation Notice duly issued on March 11, 2024, and mailed to the owners of record of property at 305 Walker Street in the Town of Tarboro, Code Enforcement Officer found that the property at 305 Walker Street failed to comply with the standards of the Nuisance Ordinance of the Town of Tarboro due to conditions listed in such letter ; and

WHEREAS, the Code Enforcement Officer ordered that the property owners remove the vehicle or provide a designated parking area for the vehicles in accordance with the standards prescribed in the Nuisance Ordinance and;

WHEREAS, the property owners have not remedied the situation to meet the standards of the Nuisance Ordinance;

**NOW, THEREFORE**, the Town Council of the Town of Tarboro hereby ordains:

Section 1: The Town Council of the Town of Tarboro has reviewed the actions of the Code Enforcement Officer relating to the property at 305 Walker Street in the Town of Tarboro, parcel number 4728-68-7215 in the Town of Tarboro, and the letter dated March 11, 2024 requiring that the property’s owner remedy the situation by removing the vehicles or creating a delineated parking area to meet the standards prescribed in the Nuisance Ordinance, and the Town Council has found that the owner has neglected to remedy the situation and thereby failed to comply with the order.

Section 2. The Town Council of the Town of Tarboro has found that the continuation of the property in its current status would be inimical to the health, safety, morals, and welfare of the Town of Tarboro in that the property would be impacted and that the aesthetic benefits of removing the motor vehicle outweigh the burdens imposed on the private property. The finding of this is 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, and Council has considered the following factors:

- (a) Protection of property values; and
- (b) Promotion of tourism or other economic development opportunities; and
- (c) Indirect protection of public health and safety; and
- (d) Preservation of the character and integrity of the community; and
- (e) Promotion of the comfort, happiness, and emotional stability of area residents.

Section 3. The above-mentioned owners of the property at 305 Walker Street shall have **thirty (30) days** from the effective date of this ordinance within which to comply with the order of the Code Enforcement Officer dated March 11, 2024, and should said owners fail to comply with the order within this period, then and in that event, the Code Enforcement Officer of the Town of Tarboro is hereby ordered to proceed to effectuate the purpose of Chapter 10 of the Code of Ordinances of the Town of Tarboro and **N.C.G.S. 160D** with respect to said property. The Inspector is hereby specifically authorized and directed to remove the non-compliant vehicles at 305 Walker Street.

Section 4. The amount of any cost to the Town for abatement of the vehicles by the Code Enforcement shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as a lien for special assessment.

Section 5. This ordinance shall become effective upon its adoption and recordation of the same in the office of the Register of Deeds of Edgecombe County, and a copy of the same shall be forwarded to all owners by certified mail, with return receipt requested.

Adopted this 13<sup>th</sup> day of May, 2024.

Town of Tarboro

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Tate Mayo, Mayor

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Leslie M. Lunsford, Town Clerk