

TOWN OF SELMA, NC

Temporary Assembly Permit

THIS PERMIT VALID ONLY AFTER BEING REVIEWED AND SIGNED BY ALL OF THE APPROPRIATE AUTHORITIES LISTED ON THE REVERSE OF THIS FORM

Applicant Information

Name: _____

Address: _____

Telephone No.: _____

Detailed description of proposed use/activity/assembly/event (attach additional sheets if necessary): _____

Location of proposed use/activity/assembly/event: _____

Total estimated attendance: _____

Date(s), time(s) and duration(s) of proposed use/activity/assembly/event: _____

Will amplified sound devices* be used (microphones, amplifiers, megaphones, etc.)? _____ YES _____ NO

* Must comply with Selma Municipal Code, Chapter 13, Article IV attached.

If YES, explain: _____

Will any shelter(s) be set up or constructed specifically for the use/activity/assembly/event? _____ YES _____ NO

If YES, explain: _____

Will any other building, plumbing, electrical, or mechanical fixtures be used? _____ YES _____ NO

If YES, explain: _____

IMPORTANT – READ BEFORE SIGNING

I hereby acknowledge that the information provided above is factual and correct to the best of my knowledge. This permit and associated conditions shall not void or supersede any more restrictive regulations imposed by a state agency or any agency holding valid jurisdictional authority in the affected area, and should be considered minimum standards for conducting the use/activity/assembly/event described above. This permit may be revoked at any time there occurs a reasonable threat to the health, safety, or general welfare of the public at large, or if any of the information provided above is proven false. I furthermore agree that the use/activity/assembly/event will be conducted peaceably and without injury, real or implied, to any person or property. A COPY OF THIS PERMIT MUST BE MADE AVAILABLE UPON REQUEST.

Signature of Applicant

Printed Name of Applicant

Date

TO ENSURE A PROMPT REVIEW, OBTAIN SIGNATURES OF REVIEW AUTHORITIES IN THE ORDER LISTED ON THIS FORM.
FORM MUST BE SIGNED BY ALL AUTHORITIES TO BE CONSIDERED VALID.

REVIEW AUTHORITIES
*****OFFICE USE ONLY*****

;

PLANNING & ECONOMIC DEVELOPMENT:

_____ APPROVED; _____ NOT APPLICABLE; _____ DENIED

Director of Planning & Economic Development (or designee)

Date

CONDITIONS/COMMENTS: _____

PARKS:

_____ APPROVED _____ NOT APPLICABLE _____ DENIED

Fire Chief (or designee)

Date

CONDITIONS/COMMENTS: _____

FIRE DEPARTMENT:

_____ APPROVED _____ NOT APPLICABLE _____ DENIED

Fire Chief (or designee)

Date

CONDITIONS/COMMENTS: _____

POLICE DEPARTMENT:

_____ APPROVED; _____ NOT APPLICABLE; _____ DENIED

Police Chief (or designee)

Date

CONDITIONS/COMMENTS: _____

PUBLIC WORKS:

_____ APPROVED; _____ NOT APPLICABLE; _____ DENIED

Public Works Director (or designee)

Date

CONDITIONS/COMMENTS: _____

ELECTRIC:

_____ APPROVED; _____ NOT APPLICABLE; _____ DENIED

Electric Director (or designee)

Date

CONDITIONS/COMMENTS: _____

(b) Any person designated in G.S. Chapter 19 may maintain an action for abatement or injunction in the same manner and upon the same conditions as contained in G.S. Chapter 19 as presently enacted and subsections thereunder or as amended which are incorporated verbatim herein.

(Code 1974, § 9.17.040)

State law reference—Similar provisions, G.S. § 19-1.5.

Secs. 13-75—13-90. Reserved.

DIVISION 3. VEGETATION AND REFUSE*

Sec. 13-91. Depositing trash, etc., on public or private property.

(a) *Prohibited generally.* It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk or upon any private property, except with written permission of the owner or occupant of such private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type of litter.

(b) *Prohibited from vehicle.* It shall be unlawful for any person, while a driver or a passenger in a vehicle, to throw or deposit litter upon any street or other public place within the town or upon private property.

(c) *Penalty.* Any person found guilty of violating this section shall be punished as provided in section 1-12 of this Code.

(Ord. of 4-10-90(2), § 1; Ord. of 7-9-02(1), § 3)

Editor's note—Section 1 of an ordinance adopted Apr. 10, 1990, amended the town's 1974 Code by adding provisions to be included as §§ 9.26.010—9.26.030. Such provisions were included herein as § 13-94 at the discretion of the editor. An ordinance adopted July 9, 2002, repealed the former § 13-91, which pertained to conditions constituting public nuisances and derived from Code 1974, § 8.20.010, § 13-92, which pertained to responsibility and procedure for abatement and derived from Code 1974, § 8.20.020, and § 13-93 which pertained to conflict with other provisions and derived from Code 1974, § 8.20.030. Said ordinance renumbered the exist-

*Cross reference—Garbage and refuse collection and disposal, § 16-211 et seq.

State law references—Plant pests, G.S. § 106-419 et seq.; abatement of health and safety nuisances, G.S. § 160A-193.

ing § 13-94 as § 13-91. The historical notation has been retained with the amended provisions for reference purposes.

Secs. 13-92—13-110. Reserved.

ARTICLE IV. NOISE CONTROL†

Sec. 13-111. Loud, disturbing noises prohibited, generally.

It shall be unlawful for any person to create or assist in creating any unreasonably loud and disturbing noise in the town.

(Ord. of 10-14-03(1) § 1)

Sec. 13-112. Noise measurement.

For the purpose of determining db(A)'s as referred to in this article, the noise shall be measured on the A-weighting scale on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(Ord. of 10-14-03(1) § 1)

Sec. 13-113. Sounds impacting residential life.

(a) It shall be unlawful to carry on the following activities in any residentially zoned area of the town or within three hundred (300) feet of any residentially occupied structure in any zone of the town:

- (1) Operate a front-end loader for refuse collection between the hours of 9:00 p.m. and 7:00 a.m.
- (2) Operate construction machinery between the hours of 9:00 p.m. and 7:00 a.m.
- (3) Operate garage machinery between the hours of 9:00 p.m. and 7:00 a.m.
- (4) Operate lawn mowers and other domestic tools out-of-doors between 9:00 p.m. and 7:00 a.m.

†*Editor's note*—Ord. of 10-14-03, amended article IV in its entirety to read as herein set out. Former article IV, §§ 13-111—13-114, pertained to similar subject matter. For complete derivation see the Code Comparative Table at the end of this volume.

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

- (5) Any mechanical noise, which registers more than sixty (60) db(A) at the nearest complainant's property line will be probable cause for a violation.

(b) This section shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds exceeding sixty (60) db(A) and shall not apply to emergency operations designed to protect the public health and safety.

(Ord. of 10-14-03(1) § 1)

Sec. 13-114. Amplified sound.

(a) It shall be unlawful to:

- (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.
- (2) As to multi-family structures including apartments condominiums, or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) db(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.
- (3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) db(A) between 9:00 a.m. and 9:00 p.m., or fifty (50) db(A) between 9:00 p.m. and 9:00 a.m., as mea-

sured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the noise control officer.

- (4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than sixty (60) db(A) at or on the boundary of the nearest public right-of-way or park.
- (5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m., or fifty (50) db(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.
- (6) Operate or allow the operation for personal use of any sound amplification equipment in the public right-of-way, including streets or sidewalks, or in the public parks: (i) without a permit issued by the police department; or (ii) so as to produce sounds registering more than seventy-five (75) db(A) ten (10) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m., or sixty-five (65) db(A) ten (10) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.

An application for a permit pursuant to this subsection shall: (i) be submitted to the police department at least twenty-four (24) hours but no more than seven (7) days before the permit time requested; and (ii) shall specify the proposed location of the sound amplification equipment and the date and time that the sound amplification will begin and end. Permits will be issued on a first-come, first-served basis. A permit shall not

be issued for a location that is within one hundred (100) feet of another location for which a permit has been issued for the same time.

Sound amplification produced in conjunction with a city festival or parade permit shall be exempt from this entire subsection.

(b) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.
(Ord. of 10-14-03(1) § 1)

Sec. 13-115. Permits for additional amplification.

(a) *Application.* The application for a permit for additional amplification under section 15-69 shall be submitted to the noise control officer at least fifteen (15) working days in advance of the planned use except in case of emergency. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.

(b) *Notice of tentative approval.* Upon tentative approval, the applicant for a permit shall be responsible for mailing or otherwise delivering to the occupants of each property within a one-thousand-foot radius of the facility for which the permit has been granted, as shown on the tax maps of the county, a notice stating the date and hours of the event. The notice shall be delivered at least seventy-two (72) hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits an affidavit to the noise control officer that such notices have actually been mailed or otherwise delivered.

(c) *Number of hours.* No permits shall be issued which shall have the effect of allowing more than twenty (20) hours of excess amplification per year at any place of public entertainment having a capacity of one thousand (1,000) or more persons or ten (10) hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the noise control officer in the order of receipt unless permits for twenty (20) or more hours have previ-

ously been issued for the same or other locations within a one-thousand-foot radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below twenty (20) hours or select another location.

(d) *Not permitted in residentially occupied boundaries.* In no event shall a permit be granted which allows the creation of sounds registering more than seventy (70) db(A) anywhere within the boundary line of the nearest residentially occupied property.

(e) *Denial; exceptional permit.* If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the town manager. The town manager shall have the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to town council.

(Ord. of 10-14-03(1) § 1)

Sec. 13-116. Animals.

It shall be unlawful for any person to own, keep or have in his possession, or harbor, any dog, other animal or bird(s) which, by frequent or habitually howling, yelping, barking or otherwise, cause loud noises, and produce seriously annoying disturbance to any person or to the neighborhood.

(Ord. of 10-14-03(1) § 1)

Sec. 13-117. Motor vehicles.

It shall be unlawful to operate or allow the operation of any motor vehicle in the town:

- (1) Which has had its muffler-exhausts- and/or other noise-control equipment removed, altered or maintained in such disrepair as to create unreasonably loud and disturbing noises.

- (2) By engaging in jackrabbit starts, spinning tires, racing engines, or other operations, which create unreasonably loud and disturbing noises.
 - (3) Off the boundaries of a public street for racing or other operations, which create unreasonably loud and disturbing noises.
- (Ord. of 10-14-03(1) § 1)

Sec. 13-118. Enforcement and penalties.

Where there is a violation of any provision of this article, the town, at its discretion, may take one (1) or more of the following enforcement actions.

- (1) A police officer or code enforcement officer may issue a citation as provided in Code section 1-7(c) subjecting the violator to a one hundred dollar (\$100.00) civil penalty, which penalty may provide for a fifteen dollar (\$15.00) delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the town in a civil action.
- (2) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to five hundred dollars (\$500.00) and/or imprisonment for up to thirty (30) days.
- (3) A civil action seeking a penalty of five hundred dollars (\$500.00) per day of violation plus injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.
- (4) A police officer or code enforcement officer may issue a citation, as provided in Code section 1-7(c), subjecting the violator of section 1588(a)(1) to a two hundred dollar (\$200.00) civil penalty, which penalty may provide for a fifteen dollar (\$15.00) delinquency charge upon nonpayment and

which penalty and delinquency charge may be recovered by the town in a civil action.

For the purposes of this section, violator means either the operator of the front end loader, the employer of the operator, or the company, partnership, corporation or other person or entity which owns, possesses or controls the front end loader utilized by the operator.

(Ord. of 10-14-03(1) § 1)

Sec. 13-119. Reserved.

ARTICLE V. PARK REGULATIONS

DIVISION 1. GENERALLY

Sec. 13-120. Town-owned recreation parks and facilities established.

The city council hereby establishes the following town-owned parks to be utilized for the purpose of public recreation. These parks are for use through approved recreation programs as authorized by the city council and the city manager in accordance with all town ordinances and such policies, rules and regulations as may be adopted pursuant to this chapter:

- (1) M. Brack Wilson Park;
 - (2) Jaycee Park;
 - (3) Raiford Street Park;
 - (4) Sumner Street Park;
 - (5) Edgebrook Park;
 - (6) Lizzie Street Park.
- (Ord. of 1-14-92, § 1)

Sec. 13-121. Hours of operation.

All parks shall close by sundown until sunrise unless specific authorization is given by the city manager or his authorized designee. Normal hours of operation shall be from sunrise to sunset. Special hours of operation shall be established from time to time by the city manager or his designee and shall be conspicuously posted as may be appropriate.

(Ord. of 1-14-92, § 1)