

- 9.3.4** The building heights shall not exceed the height limits permitted in the district in which the project is located.
- 9.3.5** The building shall be located so as to provide access for emergency vehicles.
- 9.3.6** The minimum spacing between buildings in a complex shall be in accordance with the yard requirements of the district in which the project is located.
- 9.3.7** If the use is a special use, all requirements for all special uses and the specific use and any conditions imposed on the use shall be met.

#### **Section 9.4 Home Occupations**

##### **9.4.1 Home Occupations.**

Home Occupations are permitted in all districts only as an incidental use and shall comply with the following regulations:

- 9.4.1.1** No person other than a resident of the dwelling shall be engaged in such occupation.
- 9.4.1.2** No more than three (3) customers, clients, or patrons shall come to the dwelling at any one (1) time nor more than ten (10) in any one (1) day.
- 9.4.1.3** No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, van, or pick-up shall be in an enclosed building as described in Section 9.4.1.4 below.
- 9.4.1.4** No more than twenty-five percent (25%) of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building not exceeding one thousand (1,000) square feet, shall be a special use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation and/or for use as an administrative office for the home occupation. The accessory building may be used for manufacturing, processing, instruction, sales, services, or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a Special Use Permit.
- 9.4.1.5** Notwithstanding the provisions of Subsection 9.4.1.4, a home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 5.5 and that any sales in connection with such greenhouse meet the requirements of this section (Section 9.4).

- 9.4.1.6 No outdoor sales or storage shall be permitted in connection with the home occupation. This provision shall not prohibit the outdoor on-premises sale of the products of home gardens, or yard sales if otherwise in accordance with town ordinance.
- 9.4.1.7 The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- 9.4.1.8 The use may not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, radiation, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.
- 9.4.1.9 No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- 9.4.1.10 There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) AM and nine (9:00) PM.
- 9.4.1.11 No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before seven (7:00) AM or after nine (9:00) PM.
- 9.4.1.12 The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the bulk storage of liquid petroleum, gasoline, kerosene, or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing material of a pornographic nature, movie theaters, animal hospitals and kennels, and bottled gas sales.
- 9.4.1.13 Any home occupation not complying with these regulations shall be a special use.

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| <b>Section 9.5 Group Care Homes for Infirm or Aged, Congregate Care, Life Care, Non-Protected Group Homes, Intermediate Care, and Nursing Homes</b> |
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- 9.5.1 Facilities or homes for Infirm or Aged, Congregate Care, Life Care, Non-Protected Group Homes, Intermediate Care, and Nursing Homes facilities or homes shall certify that they are able to satisfy the requirements of the North Carolina Department of Human Resources.

- 9.5.2 Notwithstanding any provision to the contrary, for each person to be cared for there shall be: a) at least 25 square feet of indoor space per person, which is usable for common leisure and recreational activities of the residents, exclusive of closets, passageways, kitchens, bathrooms and bedrooms; and b) at least 500 square feet of outdoor leisure and recreation area per person, 100 square feet of which shall be in lawn and facilities as opposed to wooded area.
- 9.5.3 Outdoor leisure and recreation areas shall provide suitable screening with a type B buffer along the street right-of-way and adjacent properties in residential use. Such areas shall be on land suitable for the use intended and may include wooded and vegetated areas. Adequate leisure and recreation facilities shall be provided considering the age and disability of the residents.
- 9.5.4 Where a facility will provide care for seven or more persons, the minimum lot size shall be increased by 750 square feet for each adult in excess of six to be cared for.
- 9.5.5 New facilities covered by this subsection must be separated from existing protected group homes and facilities covered by this subsection by a distance of no less than one-half mile measured from the closest point of each lot property line in a straight line.

#### **Section 9.6 Water and Sewer Utility Standards**

The current water and sewer utility design and construction standards for the City of Raleigh are hereby included by reference in this ordinance.

- 9.6.1 *Mandatory Connection to Public Water and Sewer Systems.* Within the Town of Rolesville's jurisdiction, every lot in all new major subdivisions and commercial developments which are approved subsequent to the effective date of this amendment that are located within 1,000 feet of a public water and/or sewer system shall be required to connect, at the expense of the subdivider or developer, to that public water or sewer system. The distance in determining whether the subject development lies within 1,000 feet of an existing public water or sewer system shall be measured from the closest property line of the development to the nearest existing water or sewer line. However, all water and sewer lines throughout each subdivision shall be placed within rights-of-way and/or existing easements except for each line serving the interior of individual lots.

While all costs of extending the water and/or sewer lines to, into, and within the subdivision are to be borne by the subdivider or developer, the Town reserves the right to extend, at Town expense, any existing public water and sewer lines to within 1,000 feet of a proposed subdivision or development. Upon such notification by the Town of its intent to extend such services to the subject property, the property for the purpose of this section shall be considered within the requisite 1,000 feet. Absent notification from the Town of its intent to offer such additional extension of water and/or sewer service to a subdivision or development within thirty (30) days of submission of a plat for approval, the person or entity may proceed

## TITLE XIII: GENERAL OFFENSES

### Chapter

- 130. GENERAL OFFENSES
- 131. NO TOBACCO USE

## CHAPTER 130: GENERAL OFFENSES

### Section

- 130.01 Discharge of firearms
- 130.02 Disturbing public meetings
- 130.03 Injuring town property
- 130.04 Unnecessary noise
- 130.05 Damaging ordinances

#### *Cross-reference:*

Littering, see §§ 93.20 et seq.  
Nuisances, see §§ 93.01 et seq.

#### • 130.01 DISCHARGE OF FIREARMS.

(A) It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol, or air rifle within the town, on or off his or her premises, in sport or amusement.

(B) Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot, or operate, within the town, any air rifle, BB gun, or pellet gun, shall be subject to a civil penalty as provided in § 10.99 of this code of ordinances. (1989 Code, § 84.01) Penalty, see § 10.99

#### *Statutory reference:*

Authority to regulate and restrict firearms and pellet guns, see G.S. §§ 160A-189 and 160A-190

#### • 130.02 DISTURBING PUBLIC MEETINGS.

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting.

(1989 Code, § 84.02) Penalty, see § 10.99

#### • 130.03 INJURING TOWN PROPERTY.

It shall be unlawful to injure, damage, deface, trespass upon, break, or injure any property belonging to the town.

(1989 Code, § 84.03) Penalty, see § 10.99

#### *Cross-reference:*

Streets and Sidewalks; Damage Prevention; Construction, see §§ 90.30 et seq.

#### • 130.04 UNNECESSARY NOISE.

(A) It shall be unlawful for any person to create or assist in creating, permit, continue, or permit the continuance of any unreasonable loud, disturbing, and unnecessary noise in the town. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited.

(B) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn or signal device including compression release engine or transmission braking system or any device on any automobile, truck, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are applied

and deceleration of the vehicle is intended; the creation by means of such device of any unreasonable loud or harsh sound; or the sounding of such a device for an unnecessary and unreasonable period of time;

(2) The use of any gong or siren upon any vehicle, other than police, fire, or other emergency vehicle;

(3) The use or operation after 11:00 p.m. and before 7:00 a.m. on any day of any piano, manual or automatic phonograph, stereo system, radio, loudspeaker, or any other instrument or sound amplifying devices, so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; however, on application to the Mayor, a permit may be granted to responsible organizations to produce programs in music, speeches, or general entertainment;

(4) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort and repose of any person in the vicinity;

(5) The use of any automobile, motorcycle, or other vehicle so out of repair or so loaded in such a manner as to create loud or unnecessary grating, grinding, rattling, or other noise;

(6) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger;

(7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;

(9) The erection (including excavating), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the Building Inspector, which permit may be renewed for a period of 3 days or less while the emergency continues;

(10) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within 150 feet of any hospital, which unreasonably interferes with the working of that institution, provided conspicuous signs are displayed in that street indicating that the same is a school, court, or hospital street;

(11) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in the streets adjacent to churches indicating that the same are church streets;

(12) The creation of loud and excessive noise in connection with loading or unloading of any vehicle, or the opening and destruction of bales, boxes, crates, and containers;

(13) The sounding of any bell or gong attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;

(14) The shouting and crying of peddlers, barkers, hawkers, and vendors which disturbs the quiet and peace of the neighborhood; or anyone shouting within the corporate limits so as to disturb the peace and quiet of the neighborhood;

(15) The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, or display of merchandise;

(16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the Board of Commissioners; and

(17) The conducting, operating, or maintaining of any garage or filling station in any residential district, so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

(1989 Code, § 84.04) Penalty, see § 10.99

*Statutory reference:*

*Authority to regulate noises, see G.S. § 160A-184*

• 130.05 DAMAGING ORDINANCES.

No person shall tear or deface any of the town ordinances.

Penalty, see § 10.99