

March 11, 1952

ZONING ORDINANCE

Town of Durham
New Hampshire

PREAMBLE

Pursuant to the authority vested in towns by Chapter 51, Revised Laws of New Hampshire, 1942, as amended; and to promote the health, safety, convenience, and general welfare of the Town by regulating and restricting the use of land and buildings thereon in the Town of Durham, the following ordinance is hereby enacted by the voters of the Town of Durham, New Hampshire, in official annual Town Meeting convened, March 11, 1952.

ARTICLE I.

ESTABLISHMENT OF DISTRICTS

Section 1. For the purpose of this ordinance, the following use classifications, as hereinafter defined, are hereby created for the districting of land in the Town of Durham: a. Class A Business Use; b. Class B Business Use; c. Class I Residential Use; d. Class II Residential Use; e. University Use; f. Rural Use.

Section 2. For the purpose of this ordinance, the following use districts are hereby created and established: a. Class A Business District; b. Class B Business District; c. Class I Residential District; d. Class II Residential District; e. University District; f. Rural District. The aforesaid districts are thus shown on a Zoning Map of the Town of Durham which is hereby incorporated as a part of this ordinance and is filed with the Town Clerk. The said map and all the notations, references, and other information shown thereon shall be as much a part of this ordinance as if all were fully described herein.

Section 3. Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

a. The district boundaries are either streets, alleys, or lot lines unless otherwise shown, and where the districts designated on the zoning map are bounded approximately by street, alley or lot lines, said street or alley or said lot line respectively shall be construed to be the boundary of such district.

b. Where the district boundaries are neither streets, alleys, nor lot lines, unless otherwise clearly indicated on the zoning map, they shall be determined by use of the scale on said zoning map.

ARTICLE II.

DEFINITIONS OF TERMS

For the purpose of this ordinance, the following definitions of terms are hereby adopted:

1. District: A district includes all buildings, lots and land within certain designated boundaries, defined in Article I, section 2, and shown on the Zoning Map which is incorporated as part of this ordinance and the amendments thereto.

2. Street: A public road or highway; or a private road which constitutes, or is designed to constitute, the main access to more than one lot.

3. Street or Highway Line: The line defining the boundary between the property or lot and the abutting street.

4. Lot: A duly recorded plot or parcel of land occupied, or intended to be occupied, by a building or accessory building, including the open spaces required under this ordinance. A lot shall not include any part of a street or other public highway upon which it fronts or abuts.

5. Lot Area: The area of a lot on which one building and its accessory buildings are located, provided that the area shall be measured to the street line only, and provided further that the portion of the lot farther back from the street line than the distance of four times the average width of the lot shall not be included in the lot area, unless that rear portion abuts a street line.

6. Depth of Lot: The mean distance from a street line at the front of the lot to

the extreme rear line of the lot measured parallel to the mean direction of the side lines thereof.

7. Building: A structure, including all integral parts thereof, intended for use and occupation as a habitation, or for some purpose of trade, manufacture or ornament, or for shelter to persons, animals or chattels.

8. Accessory Building: A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building.

9. Building Area: The aggregate of the horizontal cross-section area of the building or structure, excluding uncovered open steps.

10. Set-back: The distance between the street line and the nearest part, excluding uncovered steps, of any building on the lot.

11. Yard: An unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky.

12. Side Yard: The required open space extending along the side lot lines from the street line to the rear of the main building; except for a corner lot, where the side yard restriction of adjacent lots shall apply.

13. Rear Yard: Required open space extending across the whole width of the lot in the rear of the main building; except for a corner lot, where it is the area at the rear of the side yards.

14. Use of a Building: Any and every use conducted within a building or accessory thereto.

15. Primary Use of a Building: The use conducted within a building, or accessory thereto, adapted to that use and to which all other uses are incidental, secondary or supporting.

16. Automobile Service Station: A building designed primarily for supply of motor fuel, oil and accessories to motor vehicles.

17. Public Garage: A building for which the primary use is the sale, storage, maintenance or repair of automobiles.

18. Trailer: A non-automotive highway vehicle whether on wheels, temporary jacks, or temporary foundation, designed to afford living accommodations. A trailer set on a foundation shall be construed to be a building within the terms of this ordinance.

19. Sign: An advertising display over six square feet in extent including the device for mounting of same.

20. Club Lodgings: A building or accessory thereto used, or adapted for use, primarily as a meeting and lodging place occupied by a fraternal organization, club or voluntary corporation for the benefit of its members or the members of a beneficiary recreational or social club, organization or association.

21. Rooming House: A building other than a hotel where more or less temporary lodging is provided for more than five persons with or without meals, for compensation.

22. Family: One or more persons living together in a dwelling as a single nonprofit housekeeping unit, as distinguished from a group or fraternal organization occupying a hotel, club lodging or rooming house.

23. Single Family Dwelling: A building and accessories thereto used, or adapted for use, as a dwelling by one family.

24. Two Family Dwelling: A building and accessories thereto used, or adapted for use, as a dwelling by two families.

25. Multiple Dwelling: A building and accessories thereto used, or adapted for use, as a dwelling by more than two families or by any unit or group other than a family as defined herein.

26. Structural Alteration: Any change in the supporting or structural members of a building or structure, such as the bearing walls, supporting partitions, columns, beams or girders.

27. Plot Plan: A rough drawing showing the dimensions of the lot, the dimensions of the building or buildings as proposed to be erected or altered and the measured position of the said building or buildings on the said lot.

28. Variance: An order of the Zoning Board of Adjustment, issued pursuant to its

power so that the spirit of the ordinance may be observed and substantial justice done, waiving a literal enforcement of the terms of the ordinance where such enforcement:

- a) would result in unnecessary hardship, or
- b) would not permit the continuance to best advantage of a non-conforming use of land or buildings in existence at the time of enactment of this ordinance.

29. Home Occupation: An occupation incidental to the occupancy of a building as a family unit, employing not more than one person outside the family, and operated by a member of the family occupying the building.

ARTICLE III.

BUSINESS DISTRICT USES

Section 1. Class A Business: The following shall be permitted in the Class A Business District:

1. Any use permitted in the Class I Residential Districts under the same provisions as apply to residences in that District.
2. Stores, restaurants and other retail business except as hereinafter provided.
3. Business offices and banks.
4. Theaters, halls, clubs.

Section 2. In the Class A Business District no land shall be used and no building shall be erected, altered or used for any purpose injurious, noxious, or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or any other cause, or for any of the following specified uses unless the Zoning Board of Adjustment shall, on application of the proposed user, rule that such use under such conditions and in such a building as it may prescribe will not be detrimental nor injurious to the neighborhood:

1. Factory or industry.
2. Automobile service station.
3. Public garage.
4. Junk yard or dump.
5. Lumber or coal yard.

Section 3. Class B Business: In the Class B Business District, land may be used and buildings erected, altered or used for any purpose permitted in the Class A Business District and in addition automobile service stations and public garages shall be permitted, except that no internal combustion engine shall be operated unless objectionable noise and vibration be eliminated, and unless it is equipped and supplied with an effective muffler or silencer.

ARTICLE IV.

CLASS I. RESIDENTIAL DISTRICT USES

Section 1. a. In a Class I Residential District, land may be used and buildings and structures may be erected, altered or used for rooming houses, rest homes, churches, club lodgings and multiple dwelling houses and accessory uses thereto. The following uses are not permitted in a Class I Residential District:

- b. Commercial and industrial uses, other than those enumerated above, permitted in and excluded from Class A and Class B Business Districts.
- c. Accessory use in this Article shall not include:
 1. The renting or leasing of land for the accommodation of trailers, provided, however, that the provisions of this section shall not be construed to prohibit any property owner or lessee from accommodating trailers of non-paying guests for a period not to exceed thirty days in any one year.
 2. Any use injurious, noxious or offensive to the neighborhood.
 3. Sale of produce not raised on the premises, but not excluding products of home occupations.
 4. Signs except those pertaining to the lease, sale, or use of a lot or building on which placed and not exceeding a total area of eight square feet.
 5. The raising or keeping of poultry or fur-bearing animals where such use will be conducted within twenty-five feet of any other owner's or lessee's conforming use of land or buildings; provided, however, that nothing herein shall prevent the keeping of household pets.

Section 2. a. No building or structure shall be erected so that it projects nearer to the street line than the average set-back of the buildings within three hundred feet each way on the same side of the street.

b. No building or structure erected for accessory use shall project nearer to the street line than the main building or structure.

c. All buildings must be provided with facilities for off-street parking. Entrances and exits to off-street parking facilities must be provided in accordance with the regulations of the New Hampshire Department of Public Works and Highways.

d. The minimum lot frontage in the Class I Residential District shall be one hundred feet provided, however, that a lot of lesser frontage listed and taxed as a lot at the time of the passage of this ordinance shall be deemed a conforming use.

e. The building area shall not exceed $33 \frac{1}{3} \%$ of the lot area.

ARTICLE V.

CLASS II RESIDENTIAL DISTRICT.

Section 1. a. In a Class II Residential District, land may be used and buildings may be erected, altered or used for:

1. Single family and two family dwellings and accessory uses thereto.
2. Churches.
3. Farms and gardens, excluding any use injurious, noxious or offensive to the neighborhood.
4. Accessory use customarily incident to any of the above uses.

b. Accessory use under this article shall not include:

1. Any use injurious, noxious or offensive to the neighborhood.
2. The taking of more than five lodgers.
3. The sale of produce not raised on the premises, but not excluding the products of home occupations.
4. The raising or keeping of livestock except as incidental to a farm operation.
5. The raising or keeping of poultry where such use shall be conducted within 25 feet of any other owner's or lessee's conforming use of land or buildings; provided however that nothing herein shall prevent the keeping of household pets.

Section 2. a. The building area shall not exceed $33 \frac{1}{3} \%$ of the lot area.

b. No building or structure shall be erected so that it projects nearer to the street line than the average set-back of other buildings within 300 feet each way on the same side of the street.

c. Each building or structure hereafter erected within a Class II Residential District shall have a side yard, on each side, of width not less than 10 feet, and, for an interior lot, a rear yard of not less than 20 feet.

d. A separate building or structure for accessory use may be located in the rear or side yard, but may project no nearer to the street line than the main building or structure and may be placed no closer than 10 feet from the rear and the side lot lines of the lot upon which the main building or structure is located.

e. Building lots shall have a frontage of not less than 100 feet, provided, however, that a lot with lesser frontage which is listed and taxed as a lot at the time of passage of this ordinance shall be deemed a conforming use.

f. A one family residence shall not be built on a lot with an area of less than 10,000 square feet, provided that a lot of lesser area which is listed and taxed as a lot at the time of passage of this ordinance shall be deemed a conforming use.

g. A two family house shall not be built on a lot with an area of less than 15,000 square feet.

h. Building height in the Class II Residential District shall not exceed 2 1/2 stories.

i. All buildings must be provided with facilities for off-street parking. Entrances and exits to off-street parking facilities must be provided in accordance with the regulations of the New Hampshire Department of Public Works and Highways.

j. The renting or leasing of land for accommodation of trailers is forbidden, provided, however, that the provisions of this section shall not be construed to prohibit any property owner or lessee from accommodating trailers of non-paying guests for a period not to exceed thirty days in any one year.

k. Residences to be built in areas not serviced by the Town water and sewer system must have plans for water supply and sewage disposal approved by the Town Health Officer prior to requesting a building permit.

l. Signs not exceeding eight square feet in area, pertaining to the use, sale, or lease of lot on which placed, will be permitted.

ARTICLE VI.

RURAL DISTRICT USES

Section 1. a. In the Rural District land may be used and building may be erected, altered or used for the following:

1. Residential uses.
2. Hospitals, sanitariums, and rest homes.
3. Boarding schools.
4. Commercial uses permitted in the Class A and Class B Business Districts.
5. Light Industry.
6. Power lines.
7. Utility sub-stations.

The following uses are not permitted in the Rural District:

1. Any uses that are injurious, noxious, or offensive to the neighborhood by reason of the emission of odor, fumes, dust, smoke, noise, or as a fire hazard or for any other cause.
2. Junk yards.

Section 2. a. Building lots for residential purposes shall have a frontage of at least 150 feet, and an area of at least 15,000 square feet, provided however that lots of smaller size so listed and taxed at the time of adoption of this ordinance shall be deemed a conforming use.

b. All commercial and industrial buildings shall be of fireproof construction as detailed by the National Board of Fire Underwriters.

c. No building shall occupy more than one-third of the lot upon which it is built.

d. All buildings shall be set back from the public right-of-way not less than thirty feet.

e. All buildings shall be provided with adequate off-highway parking facilities with entrances and exits built in accordance with the specifications of the New Hampshire Department of Public Works and Highways.

f. The plans for provision of water and sanitary facilities, including sewage disposal, for commercial and industrial buildings to be erected, must be approved by the Town Health Officer prior to the granting of a Building Permit.

g. Signs not exceeding twelve square feet in area, pertaining to the use, sale, or lease of lot on which placed, will be permitted.

ARTICLE VII.

UNIVERSITY DISTRICT USES

Section 1. The University District shall be the lands owned and used by the University of New Hampshire.

Section 2. In the University District land may be used for educational purposes and operations incidental to the administration of the University of New Hampshire.

Section 3. When lands owned, used, or leased, by the University of New Hampshire shall pass by sale, lease or other conveyance to private persons or corporations, the lands and buildings thus conveyed shall revert in their use to the uses permitted in the Zoning District in which located.

ARTICLE VIII.

ADMINISTRATION

Section 1. It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority, to enforce the provisions of this ordinance.

Section 2. Applications and Permits

A. No building shall be erected or altered until the proposed user has first secured a building permit from the Board of Selectmen, or from the Zoning Board of Adjustment as hereinafter provided, authorizing such construction or alteration.

B. Applications for building permits shall be filed with the Board of Selectmen on forms supplied by the Board, shall include a plot plan and shall contain such information as the Board may require to enable it to ascertain whether the proposed building or structure and its intended use comply with the provisions of this ordinance.

C. No building permit shall be issued until the Board of Selectmen has certified that the proposed building and its use comply with the provisions of this ordinance.

D. Upon approval of an application, the Board of Selectmen shall issue a building permit to the applicant authorizing such construction or alteration.

E. Should the Board of Selectmen fail to take any action on an application for a building permit, the applicant may, at the expiration of two weeks from the date of filing, apply to the Zoning Board of Adjustment for a building permit.

F. A building permit, once issued, shall not be assignable; nor shall it be revocable except on an appeal as authorized by Article VIII of this ordinance, or except as provided in section 3 herein.

G. No building permit shall be required for repairs and maintenance necessitated by ordinary wear and tear.

H. No permit shall be required for remodeling, where the total cost for such work including materials will not exceed \$500.00 and the purpose for which the building is to be used is not changed.

I. No permit, however, shall be issued unless the proposed structure will present a reasonable appearance and will be in keeping with the neighborhood and unless the building is to be finished on the exterior in a permanent

manner and is to be suitably painted on the outside whenever the same is of wood or material customarily painted. This is intended to eliminate the erection of structures obviously out of place for the neighborhood where they are to be located and which may have a detrimental effect on the property values and neighborhood character. When an objection on the account of the appearance of a proposed structure, as above dictated, is raised by a majority of the families residing or owning property within a radius of 500 feet of the property in question, the Board of Adjustment shall hold a public hearing to receive the evidence on both sides and shall have the authority to decide whether the permit shall be issued or not.

Section 3. Revocation or Lapse of Building Permits

- A. A violation of or variation from the terms, conditions or authorization of a building permit by the holder thereof or his agent, architect or contractor shall be cause for the revocation of said permit. Such revocation shall be made, in its discretion, by the Board of Selectmen and an appeal from such action may be made as provided in Article VIII of this ordinance.
- B. The Board of Selectmen shall, at the expiration of 12 months during which no earnest or substantial effort has been made to complete or carry out the construction or alterations authorized in a building permit, declare, and send notice to the holder thereof, that said permit has lapsed. Said permit may be reinstated on application of the proposed user to the Board of Selectmen.

Section 4. Enforcement. Upon any well founded information that this ordinance is being violated, the Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other legal action.

ARTICLE IX

BOARD OF ADJUSTMENT

Section 1. Members. A Zoning Board of Adjustment, consisting of five members appointed by the Board of Selectmen, is hereby created and established. When the Board is first organized, one member shall be appointed to serve for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter the Board of Selectmen shall annually appoint one member for a term of five years. Said members can be removed for cause only by the Board of Selectmen upon written charges filed and after a public hearing on said charges. Vacancies shall be filled for the unexpired term.

Section 2. Meetings. A. A chairman and clerk shall be appointed. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

B. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

C. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Town Office and shall be a public record.

Section 3. Powers of the Board. The Zoning Board of Adjustment is hereby authorized and empowered to adopt such rules of organization and procedure as are necessary for the efficient administration and enforcement of this ordinance. In addition the Zoning Board of Adjustment shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.

B. To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under the ordinance.

C. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing in special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

D. In exercising the above-mentioned powers, the Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

E. The concurring vote of three members of the Board shall be necessary to reverse any action of such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

Any other power authorized to a Zoning Board of Adjustment by virtue of the adoption by the Town of Durham of Chapter 51, Sections 50 - 71, and Chapter 53, Sections 26 and 31, of the Revised Laws of New Hampshire, as amended.

Section 4. Appeals to Board. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of an administrative official. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer or board from whom the appeal is taken and with the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The officer or board from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 5. Effect of Appeal. An appeal stays all proceedings under the action appealed from unless the officer or board from whom the appeal is taken certifies to the Zoning Board of Adjustment after notice of appeal shall have been filed with it that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Superior Court on notice to the officer or board from whom the appeal is taken and cause shown.

Section 6. Notice of Hearing. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 7. Disqualification of Board Member. No member of the Zoning Board of Adjustment shall sit upon the hearing of any question which the Board is to decide in a judicial capacity who would be disqualified from any cause, except exemption from service and knowledge of the facts involved gained in the performance of his official duties, to act as juror upon the same matter in any action at law. If a member shall be disqualified or unable to act in any particular case pending before the Board, the Board of Selectmen, upon application of the Board, shall appoint a member to act in his place upon said case.

ARTICLE X

AMENDMENTS

Section 1. The provisions of this ordinance, or any part thereof, may from time to time be amended, supplemented or repealed by a resolution, adopted at a duly held Town Meeting, setting forth the proposed amendment. No such amendment shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the Town of Durham; provided, however, that such hearings shall not be necessary if the warrant for the Town Meeting at which the matter is to be considered shall contain an article stating what regulations, restrictions, and boundaries are to be acted upon.

Section 2. In case of a written protest against a proposed amendment, filed with the Board of Selectmen and signed by the owners of twenty per cent either of the area of the lots included in such proposed changes, or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereof extending one hundred feet from the street frontage of such opposite lots, such proposed amendment shall not become effective except by the favorable vote of three-fourths of all the members of the Town Meeting.

ARTICLE XI

GENERAL PROVISIONS

Section 1. Continuation of Non-conforming Use. A. Any lawful building or use of a building or property in existence at the time of passage of this ordinance may be continued, except that if such use shall cease to exist for a period of twelve consecutive months, such use may not again be initiated, provided however, that the Zoning Board of Adjustment shall grant a special exception to the provisions of this section to allow the resumption of a non-conforming use by the person or his heirs, or the corporation or its successors, who originally abandoned the said use on a showing by such proposed user as applicant of (a) undue hardship by reason of non-adaptability of the premises to a conforming use, or (b) that the proposed non-conforming use will not be conducted within one hundred (100) feet of any other owner's conforming use of land or buildings.

7. For the purpose of this ordinance, vacant land or buildings shall be deemed to be conforming in use.

C. Any lawful building or use of a building or property, whether conforming or not, in existence for six consecutive months and not challenged by proper authority shall be deemed, for the purpose of this ordinance, to have been in existence at the time of passage of this ordinance.

Section 2. Restoration. Nothing herein shall prevent the substantial restoration within one year and continued non-conforming use of a building damaged by fire or other casualty, provided that, in case of damage to a building non-conforming in use, location or structure, to an extent that the estimated cost of such restoration exceeds 75% of its fair valuation immediately prior to such damage, authorization of the Board of Adjustment must be obtained for such restoration.

Section 3. Governmental Use. Nothing herein shall prevent the use or condemnation of land or buildings for (a) municipal use by the Town of Durham, or (b) public or institutional use by any agency, department, institution or public corporation of the State of New Hampshire or of the United States.

Section 4. Interpretation. A. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Town of Durham and its citizens.

B. Whenever the provisions of this ordinance or any other lawful regulations made under the authority of Chapter 51, Sections 50 - 71, of the Revised Laws of New Hampshire, and amendments thereto, shall conflict, or shall differ from those prescribed by any statute, ordinance or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

Section 5. Penalties. A. For any and every violation of the provisions of this ordinance, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the architect, builder or any other person who knowingly commits, takes part or assists in any such violation, shall be liable on conviction thereof to a fine or penalty not exceeding \$25.00 for each and every offense and whenever such person shall have been notified by the Board of Selectmen, or by service of summons in a prosecution, or in any other way that he is committing such violation or this ordinance, each day that he shall continue such violation after such notification, shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the Board of Selectmen, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful action, to restrain, correct or abate such violation or to prevent the occupancy of the building, structure or land, or any illegal act or use in or about such premises.

Section 6. Nuisance Uses. No land in any district shall be used for a dump, except as provided under Section 3, above, or a place for refuse, waste, or junk of any kind, nor for abandoned automobiles, carriages, or other vehicles, machinery or other tools or appliances, nor used in any manner that is disorderly, unsightly, noxious, offensive or detrimental to the public, or the owners or occupants of adjacent property, or prejudicial to the general welfare of the community, without the approval, in writing, of the Board of Adjustment upon such conditions as they may determine.

Section 7. Saving Clause. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any other part thereof.

Section 8. Effective Date. This ordinance shall take effect immediately upon its passage.