

## Section

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## GENERAL PROVISIONS

§ 96.01 ACCUMULATION OF HARMFUL SUBSTANCES DECLARED TO BE PUBLIC NUISANCE.

(A) The unloading, depositing, or piling of fertilizer, lime, manure, agricultural or industrial chemicals, or like substances and allowing such substances to remain uncovered or unprotected so that adjacent or nearby private property is likely to be injured by substances being carried from these piles or accumulations by the air, on the ground, or by drainage flow is hereby declared to be a public nuisance detrimental to the health and safety of the inhabitants of the town.

(B) Pursuant to G.S. §§ 160A-174(a) and 160A-193, it shall be unlawful for any person, firm, or corporation to allow the conditions described in division (A) above to remain upon property owned or leased by such person, firm, or corporation. (Ord. 75-76-1, passed 8-11-75) Penalty, see § 96.99

UNCONTROLLED WEEDS;  
REFUSE ACCUMULATION§ 96.10 DECLARED TO BE PUBLIC NUISANCE.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches, causing or threatening to cause a hazard detrimental to the public health or safety.

(B) The uncontrolled growth of bushes, small trees, and vines located on wooded lots causing or threatening to cause a hazard detrimental to the public health or safety.

(C) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard; causing or threatening to cause the accumulation of stagnant water; or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(D) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(E) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish, or similar items.

(F) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department. (Ord. 79-80-21, passed 5-12-80; Am. Ord. 83-84-4, passed 1-9-84; Am. Ord. 98-99-16, passed 4-4-99; Am. Ord. 06-07-21, passed 10-23-06)

§ 96.11 INVESTIGATION BY TOWN.

Upon notice by phone, personal visit, or letter from any person of the existence of any of the conditions described in § 96.10, the code enforcement officer shall make such investigations as may be necessary to determine whether such conditions exist and constitute a nuisance.

(Ord. 79-80-21, passed 5-12-80; Am. Ord. 83-84-4, passed 1-9-84; Am. Ord. 98-99-16, passed 4-4-99)

§ 96.12 NOTICE OF POSSIBLE VIOLATION; HEARING; NOTICE TO ABATE.

After a determination by the code enforcement officer that a nuisance does exist, the following procedures shall apply:

(A) The code enforcement officer shall give notice to the owner and person in possession, if any, that the nuisance must be abated within ten days after the date such notice is mailed or posted. The town shall maintain the property at any time it becomes in violation without further notice during the current growth season.

(B) The notice shall be sent by certified mail to the owner at his last known address and by certified mail or personal delivery to the person in possession, if any; if, after exercising reasonable diligence, no owner can be ascertained and no person is in possession of the property, then the notice shall be given by posting the notice conspicuously upon the subject property.

(C) The owner or person in possession may, before the expiration of the ten-day period, appeal the code enforcement officer's findings to the town board by delivering a written notice of appeal to the town clerk, which appeal shall stay the abatement process until a final determination is made by the town board.

(D) If the owner and/or person in possession fails to abate or appeal the nuisance within the ten-day notice period, the code enforcement officer shall cause abatement of the nuisance.

(E) Upon abatement of the nuisance, the code enforcement officer shall deliver a statement of actual cost to the town tax collector, which actual cost shall be based upon time and materials expended by the town, the amounts charged by private contractors, administrative fees and costs of postage.

(F) The town tax collector shall mail the bill for the cost of abatement to the owner at his last known address or to the person in possession, if any, with instructions that such charges are due and payable within 30 days from the receipt thereof. In addition to the actual cost, an administrative fee of \$25.00 will be added.

(G) The cost of abatement shall become a lien on the subject property when such cost is incurred and, if not paid within 30 days from the date of billing, may be collected in the manner provided for the collection of unpaid taxes.

(H) If the code enforcement officer determines that the nuisance poses an imminent danger or peril to persons or property, the town may, without notice, immediately abate the nuisance and the cost thereof shall be charged as provided for other nuisances.

(I) The town abatement procedures, as set for the above, shall be in addition to any other remedies available under law for the abatement of public nuisances, including, but not limited to the town proceeding in a criminal action against any person, firm, or corporation violating the provisions of this subchapter as provided in G.S. § 14-4. (Ord. 79-80-21, passed 5-12-80; Am. Ord. 83-84-4, passed 1-9-84; Am. Ord. 98-99-16, passed 4-4-99; Am. Ord. 03-04-25, passed 1-12-04)

§ 96.99 PENALTY.

Any violation of § 96.01 shall be a misdemeanor, punishable by a fine of \$50, or 30 day's imprisonment, or both. Each day's violation shall constitute a separate offense. Pursuant to G.S. § 160A-175, and in lieu of the criminal penalty, the town may impose a civil fine of \$50 per day for each violation of § 96.01, and may seek injunctive relief from an appropriate division of the General Court of Justice. (Ord. 75-76-1, passed 8-11-75)