

## CHAPTER 92: NUISANCES

### Section

- 92.01 Public nuisance
- 92.02 Property owners to keep weeds, grass and the like cut
- 92.03 Investigation
- 92.04 Notice to abate
- 92.05 Removal by town upon failure or refusal to obey notice
- 92.06 Cost of removal to be charged to owners
- 92.07 Unpaid charges to be lien on property
- 92.08 Provisions of chapter cumulative
- 92.09 Fencing around swimming pools

### § 92.01 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 causing or threatening to cause a hazard detrimental to the public health or safety.

(B) Any accumulation of rubbish, trash or junk 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.

(C) 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.

(D) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department or town.  
(Ord. 502, passed 2-9-76; Am. Ord. passed 2-11-80; Am. Ord. passed 3-8-93)

### § 92.02 PROPERTY OWNERS TO KEEP WEEDS, GRASS AND THE LIKE CUT.

(A) Every owner or occupant of any lot within the corporate limits shall keep the lot free and clear of all weeds and rank vegetation, once the lot has been cleared and cleaned or has been developed. Trash and debris will not be allowed to accumulate on any lot inside the corporate limits. Heavy weed and rank vegetation growth will be limited to six to eight inches from the ground. All heavy weeds and other rank vegetation on lots previously cleared and/or developed shall be cut at least three times each year, the first not later than May 15, the second not later than July 1, and the third not later than September 15 of each year.

(B) It shall be unlawful for any person to trespass on the rights of another through the neglect of property by causing or allowing unsightly litter, weeds, grass, trash, foul odor, dead animals, junk, unsecured appliances or potentially dangerous devices to remain on, or to emanate from property within the corporate limits of the town.

(C) Exceptions to the cutting of vegetation growth will include but not be limited to the following:

(1) Lots which have not been cleared or cleaned for future development (perimeters of these lots are not to be excluded).

(2) Vegetable gardens in current usage.

(3) Flower gardens in current usage.

(Ord. 502, passed 2-9-76; Am. Ord. passed 2-11-80; Am. Ord. passed 3-8-93)

### § 92.03 ADMINISTRATION AND ENFORCEMENT.

(A) If any person, after having received a written notice from the town, shall fail to comply with the order within ten days after having received such notice, to clear the lot of any such weeds, rank vegetation, trash and debris, then such person shall be in violation of this chapter.

(B) The administration and enforcement of this chapter shall be the duty of the Town Council. The Town Council and/or its appointed Enforcement Officer, upon receipt of a complaint concerning weeds, rank vegetation, trash and debris shall request an investigation by the appropriate Town Enforcement Officer. This investigation will be required to determine whether the reported condition violates the Public Nuisances Ordinance as declared in § 92.01. The Town Council or its appointed Enforcement Officer has the authority to remove, abate or remedy everything in the town limits that is considered by the ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.

(Ord. 502, passed 2-9-76; Am. Ord. passed 2-11-80; Am. Ord. passed 3-8-93)

#### § 92.04 NOTICE TO ABATE.

If upon completion of the investigation it is determined that such conditions exist that violate the Public Nuisance Ordinance, the Town Council and/or its appointed Enforcement Officer shall notify the owner in writing. The notice will contain the conditions that exist which violate this chapter and the owner will have ten days from the date of the notice to comply with this chapter and to correct violations as specified. The notice shall be sent by certified mail to the address of the owner deemed to be current on the town tax card and shall constitute a warning violation.

(Ord. 502, passed 2-9-76; Am. Ord. passed 2-11-80; Am. Ord. passed 3-8-93)

#### § 92.05 REMOVAL BY TOWN UPON FAILURE OR REFUSAL TO OBEY NOTICE.

If any owner of property, having been notified by certified mail at the current address shown on the town tax card to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, the Town Council and/or its appointed Enforcement Officer, can cause the condition to be removed or otherwise abate the nuisance under the supervision of any officers or employees designated by the Town Council. Any owner who has been ordered to abate a public nuisance may within 15 days request the Town Council in writing to remove those condition, the cost of which shall be paid by the owner of the property. It shall be

unlawful for any person to interfere, harass, or otherwise impede a town employee who is carrying out or acting within the scope of his duties when conducting an investigation and when carrying out the enforcement of this chapter after a notice of violation has been issued, and the time for compliance has expired.

(Ord. 502, passed 2-9-76; Am. Ord. passed 2-11-80; Am. Ord. passed 3-8-93)

#### § 92.06 COST OF REMOVAL TO BE CHARGED TO OWNERS.

The actual cost incurred by the Town Council in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within 30 days from the receipt thereof.

(Ord. 502, passed 2-9-76; Am. Ord. passed 2-11-80; Am. Ord. passed 3-8-93)

#### § 92.07 UNPAID CHARGES TO BE LIEN ON PROPERTY.

If the owner fails to reimburse the town for the cost of remedying the public nuisance, within thirty days, after receipt of a statement or charges as provided for in § 92.06, the Town Council and/or its appointed Enforcement Officer shall have the authority to place a statutory notice of lien against the property for the cost of bringing the property into compliance with the ordinance (G.S. § 160A-93). The Town Council shall also be authorized to cancel any notice of lien filed that has been satisfied or is a clerical error. A property owner can challenge the filing of a lien by appeal to the Town Council within 30 days of receipt of the written notice of violation. The Town Council has the authority to cancel the lien if the alleged violation of this chapter was in error or did not exist. All proceeds received from the collection of penalties shall be deposited in the general fund.

(Ord. 502, passed 2-9-76; Am. Ord. passed 2-11-80; Am. Ord. passed 3-8-93)

#### § 92.08 PROVISIONS OF CHAPTER CUMULATIVE.

The procedure set forth in this chapter shall be in

addition to any other remedies that may now or hereafter exist under the law for the abatement of public nuisances and this chapter shall not prevent the Town Council from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. § 14-4.  
(Ord. 502, passed 2-9-76; Am. Ord., passed 2-11-80; Am. Ord., passed 3-8-93)

**§ 92.09 FENCING AROUND SWIMMING POOLS.**

(A) Swimming pools are allowed as an accessory use to a residence or business provided that the swimming pool meets all zoning requirements then in force for the property on which the swimming pool is located. Any swimming pool shall be separated from adjacent properties and streets by a semi-open or a closed fence or wall at least four feet in height. Fences surrounding swimming pools shall be designed in order to minimize the possibility of unauthorized or unwary persons entering the pool area.

(B) For a semi-open fence, the openings shall be of limited size as not to allow a human or domestic animal to be able to pass through the fence. The fence or wall may be constructed of wood masonry or similar materials or by chainlink, wrought iron or similar fencing.  
(Ord. passed 3-15-99)

**§ 92.99 PENALTY.**

(A) If any owner fails to bring the property into compliance within 15 days of the written notice of violation the Town Council shall have the authority to fine the owner in an amount not to exceed fines as specified in this chapter.

(B) In addition to the other remedies cited in §§ 92.05 and 92.06 for the enforcement of its provisions, and pursuant to G.S. § 14-4, the regulations and standards in this chapter may be enforced through the issuance of civil penalties by the town.

(C) If the offender does not correct those conditions cited in the warning notice within 15 days and does not seek appeal to the action of the Town Council, the Town Council and/or its appointed Enforcement Officer may issue subsequent citations and penalties to the property owner or occupant. Once the 15 day

warning period has expired, each day which the violation continues may subject the violator to additional citations and penalties to be issued by the Town Council or its appointed Enforcement Officer.

(D) The following penalties are established:

<i>Warning Citation</i>	<i>Fine if Violation Corrected Within 15 Days</i>
First citation for same offense	\$100
Second citation for same offense	250
Third and subsequent citations for same offense	500

(E) If the offender fails to pay the civil penalties within 30 days after having been cited, the town may file an action with the court to recover the penalties indicated in the civil action regarding the nature of the debt.

(F) In addition, pursuant to G.S. § 160A-175, the town may, through the courts, seek an amendatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon the subject premises.

(G) Should the town be forced to seek litigation through the courts in order to have the nuisance abated and corrected, the town reserves the right to request from the court that all legal fees, court costs and incurred expenses connected with the case be paid by the offender.

(H) Records of all citations shall be maintained so that all such forms shall be capable of being accounted for. The Town Clerk shall maintain all records.  
(Am. Ord., passed 3-8-93)

