

CHAPTER 96: NUISANCES

Section

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§ 96.01 PURPOSE.

This ordinance provides for the prevention and abatement of public nuisances caused by the uncontrolled growth of noxious weeds and grass and the accumulation of refuse and trash.

§ 96.02 PREMISES KEPT CLEAN.

Every person owning or occupying any premises in the corporate limits of the Town shall keep yards and exterior premises free from noxious weeds, trash, and all other forms of animal or vegetable refuse or plant growth which may be dangerous or prejudicial to the public health, or which may constitute a nuisance.

('81-Code, §13-4) (Ord. passed 8-14-61; Am. Ord. passed 1-12-79) Penalty, see §10.99

Cross-reference: In matters affecting public health, the Town's corporate limits include extraterritorial jurisdiction, see Charter §32A

§ 96.03 PUBLIC NUISANCE CONDITIONS.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits of the Town 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 ten (10) inches 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 a fire hazard, or 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 of 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) The open storage of any abandoned icebox, refrigerator, stove, glass, furniture, other appliances, building material, building rubbish, refuse including unattended, abandoned, or junked motor vehicles regardless of ownership or location, other waste, or similar items.

(E) An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.

1. Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause hazard, or causing or threatening to cause the accumulation of stagnate water, or causing or

threatening to cause the inhibition therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

§ 96.04 NOTICE OF VIOLATION.

If any person shall violate the provisions of this chapter, it shall be the duty of the Franklinton Code Enforcement Officer to give notice to the owner or person in possession of the premises that within ten (10) days or sooner depending on the severity of the nuisance to remove all weeds and trash and other offensive animal or vegetable matter from the property.

Should any owner or occupant fail to comply with the notice, the Code Enforcement Officer shall fine the owner or person in possession of the premises a (\$50.00) ordinance violation fee. Each day is considered a new violation and additional fees will be assessed to the individual responsible for violation of this chapter.

Abate procedure. If the owner of any property fails to comply with a notice given pursuant to this section, within ten days after the service of such notice, he shall be subject to prosecution for violation of this section in accordance with the law and each day that such failure continues shall be a separate offense. In addition, the city may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Procedure is alternative. The procedures set forth in this section shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this section shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this section as provided in § G.S. 14-4. In addition to the remedies provided for herein, any violation of the terms of this section shall subject the violator to the penalties and remedies, either criminal or civil of both, as set forth in §10.99 Code of Ordinances.

North Carolina General Statute reference §160A-193.

In addition, if the owner or person in possession of the premises fails to abate the nuisance in the time frame allotted by the notice, the Franklinton Code Enforcement Officer shall be responsible to have the same removed and the owner or person in possession shall be responsible to the Town for the costs thereof. ('81 Code, §13-5) (Ord. passed 8-14-61) (Ord. passed 4-16-19) Penalty see §10.99

§ 96.05 NOTICE TO CHRONIC VIOLATORS.

A municipality may notify a chronic violator of the municipality's overgrown vegetation ordinance that, if the violator's property is found to be in violation of the ordinance, the municipality shall, without further notice in the calendar year in which notice is given, take

action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the municipality took remedial action at least three times under the overgrown vegetation ordinance.

Statutory reference: Annual notice to chronic violators of overgrown vegetation ordinances. NCGS 160A-200.1