

**ORDINANCE NO.01-2003-01**

**AN ORDINANCE PROVIDING FOR THE PREVENTION AND ABATEMENT OF PUBLIC NUISANCES CAUSED BY THE UNCONTROLLED GROWTH OF NOXIOUS WEEDS AND GRASS AND THE ACCUMULATION OF REFUSE AND OTHER SOLID WASTE.**

**WHEREAS**, the uncontrolled growth of noxious weeds and grass, the accumulation of offensive animal and vegetable matter, the accumulation of refuse, the accumulation of other solid wastes, causes or threatens to cause a nuisance dangerous and prejudicial to public health or safety, and

**WHEREAS**, the (Governing Body) is authorized by Section 160A-174, 160A-175, 160A-192, and 160A-193 of the General Statutes of North Carolina to abate nuisances,

**NOW, THEREFORE, BE IT ORDAINED** by the Town Board of the Town of Wilson's Mills, North Carolina:

**Section 1.** 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 of safety and to constitute a public nuisance:

- (a) The uncontrolled growth of noxious weeds or grass to the height in excess of twenty-four (24) inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (b) Any accumulation of rubbish, trash or junk cars 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, insects 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 which is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, insects or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (d) The open storage of any abandoned freezer, refrigerator, stove, glass, building material, building rubbish, or other materials.
- (e) Any condition detrimental to public health which violates the rules and regulations of the Johnston County Health Department, or the laws of the State or Federal Government.

**Section 1A. DEFINITION:** The term "solid wastes" as used in this section shall be construed to include all useless, unwanted, or discarded nongaseous and

nonliquid materials resulting from domestic, industrial, commercial, or community activities.

- (a) The existence of an accumulation of solid wastes on any lot or parcel of land within the corporate limits, uncovered or unenclosed, or under circumstances otherwise resulting in or threatening to cause any of the following conditions hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a nuisance:
  - (1) Fire Hazard;
  - (2) Accumulation of stagnant water;
  - (3) Inhabitation therein of rats, insects, or other vermin of any kind;
  - (4) Substantial risks of any injury to minors or other persons, such as but not limited to open storage or accumulation or any abandoned refrigerators or other appliances, glass, building materials, or similar items;
  - (5) Emission of noxious or offensive particulant matter, dust, sludge, or other materials or substances which tend to pollute or contaminate land, water, or air, rendering or tending to render it hazardous to human health, habitation or welfare, to animal or tending to interfere with the enjoyment of life or property; provided that this subsection shall be construed consistent with and supplementary to, and not in conflict with, applicable State and Federal laws and regulations.

**Section 2.** The Town Clerk, upon notice from any person of the possible existence of any of the conditions describe in Section 1, or Section 1A, shall cause to be made by the appropriate County Health Department official, or Town Official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in section 1 or Section 1A.

**Section 3.** If it appears that such conditions exist, the Town Clerk shall cause to be delivered or mailed, by certified mail, to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Town Clerk at the Town Hall, not less than ten (10) days nor more than thirty (30) days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file and answer to the notice and to appear in person, or otherwise, and give evidence at the place and time of the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. Upon ruling from the Town Clerk the owners or tenants may file

within (10) ten days of ruling in writing to appear before the Town Council of Wilson's Mills for a final appeal to be heard the next regular Town Council meeting.

**Section 4.** If a determination is made that such conditions constituting a public nuisance exist, the Town Clerk shall notify, in writing, the owner and lessee or occupier of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from receipt of such written notice.

**Section 5.** If owner, lessee or occupier of the premises having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from receipt of said order, the Town Clerk shall cause said condition to be removed or otherwise remedied by having contractors for the Town to go upon said premises and remove or otherwise abate such nuisance under the supervision of a law enforcement officer or a designated Town Official as designated by the Town Clerk. Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance request the Town in writing to remove such conditions, the cost of which shall be paid by the person making said request.

**Section 6.** The total cost incurred by the Town 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 thirty (30) days from receipt thereof. In any case such costs are imposed under the provisions of this ordinance, the Town Clerk shall properly certify to the Tax Collector, in writing, the nature of the work and date performed, the name of the property owner, the address of the property, and the total costs to the Town, including actual costs of labor and materials, investigation of ownership and violation, inspection, etc.

**Section 7.** In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges as provided for in Section 4 of this ordinance, such charges shall become a lien upon the parcel where the public nuisance existed and shall be collected as unpaid taxes, together with any legal expenses, court costs, including attorneys' fees, as provided in G.S. 160(a)-193.

**Section 8.** The procedure set forth in this ordinance shall be in addition to any other remedied that may now or hereafter exist under law for the abatement of

public nuisance and this ordinance shall not prevent the Town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this ordinance as provided in G.S. 14-4.

**Section 8A.** In addition to other available remedies, this ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction and applied for by the Town as provided in G.S. 160A-175(b).

**Section 9.** Also in addition to other available remedies, any violation of the provisions of this ordinance may subject the offender to a civil penalty in the amount of \$50.00 per day, which may be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after they have been cited by the Town Clerk for violation, as provided in G.S. 160A-175(c).

**Section 10.** This ordinance shall be in full force and effect upon and after the date of its adoption.

**DULY ADOPTED THIS \_\_\_ day of January 2004.**

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Clifford Uzzle, Mayor Pro-Tem

ATTEST:

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Darleen Boyette, Town Clerk