

**AN ORDINANCE REGULATING
PUBLIC NUISANCES CAUSED BY UNCONTROLLED GROWTH
OF WEEDS & GRASS, AND ACCUMULATION OF REFUSE AND SOLID WASTE**

BE IT ORDAINED by the Council of the Town of Wilson's Mills as follows:

Section 1. Purpose:

The purpose of this ordinance is to regulate 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.

Section 2. Definitions

For the purpose of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. *ASHES*: The refuse resulting from the burning of wood, coal, coke, and other combustible material.
- B. *BUILDING RUBBISH*: Rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete, and waste parts occasioned by installations and replacements.
- C. *BUSINESS BUILDING*: Any structure, whether public or private, that is adapted for the transaction of business, for the rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, articles, or equipment including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, abattoirs, warehouses, sheds, barns, and other structures on premises used for or adapted to business purposes.
- D. *CONTAINER*: A front end metal sleeve type with sliding doors that is water and odor proof. Container size shall be four cubic yards, six cubic yards, or eight cubic yards.
- E. *INDUSTRIAL WASTE*: Sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic, or other waste materials from processing plants, factories, or manufacturing operation.
- F. *MOBILE CONTAINER*: A plastic water-proof, odor-proof cart with a nominal size of 80 gallons purchased by the Town and bearing the Town identification. This cart shall be capable of being automatically dumped with specified equipment.
- G. *PUBLIC NUISANCE TO HEALTH AND SAFETY*: The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits of the

Town which 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. 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.
 - c. Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause 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 condition detrimental to the public health which violates the rules and regulations of the Johnston County Health Department.
 - e. Any uninhabited structure which is in such a state of disrepair, ruin, or neglect as to cause or threaten to cause a fire hazard, or threaten 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 prejudicial to the public health.
- H. *RUBBISH*: Refuse, exclusive of garbage and ashes, including, but not limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree bush and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, tin cans, metals, small mineral matter, glass, crockery, dirt, earth, and dust.
- I. *WASTE*: Useless, unused, unwanted, or discarded materials resulting from natural community activities, including solids, liquids, and gases.

Section 3. Authorization:

The Town of Wilson's Mills Town Council, pursuant to North Carolina General Statutes 160A-174, 160A-175, 160A-192, and 160A-193 authorizes the Code Enforcement Officer and the Town's Police Department to abate nuisances.

Section 4. Unlawful Deposit of Garbage, Wastes Within Town

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or objectionable waste.

Section 5. Investigation:

The Code Enforcement Officer, on notice from any person of the existence of any of the conditions defined as a public nuisance to health and safety, shall cause to be made by the

appropriate County Health Department official, or Town Police Officer, such investigation as may be necessary to determine whether, in fact, conditions exist as to constitute a public nuisance.

Section 6. Notification:

Upon a determination that conditions constituting a public nuisance exist, the Code Enforcement Officer shall notify in writing the owner, occupant, or person in possession of the premises in question of the conditions constituting the public nuisance. He shall order the prompt abatement thereof within 15 days from the receipt of the written notice, pursuant to G. S. 160A-193, Municipality's authority to order abatement of public nuisances.

Section 7. Removal By Town:

- 1) If any person, having been ordered to abate 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 Code Enforcement Officer shall cause the 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 an law enforcement officer or a designated Town Official.
- 2) Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance make request to the Town in writing to remove the condition, the costs of which shall be paid by the person making the request.

Section 8. Charge for Removal:

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

Section 9. Lien For Costs:

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in Section 8, the charges shall become a lien on the land or premises where the public nuisance existed as provided in G.S. 160A-193 and shall be collected as provided by the General Statutes of the state.

Section 10. Remedy Not Exclusive:

The procedure set forth in this ordinance shall be in addition to any other remedies that may now or hereafter exist under the law for the abatement of public nuisances. 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 11. Repeal of Former Ordinance

The former ordinance adopted by the Town of Wilson's Mills and effective January 19, 2004, entitled *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* is hereby repealed and replaced with this ordinance upon its effective date.

Section 12. Effective Date:

This ordinance shall become effective upon adoption.

Duly adopted this the 9th day of October 2006

PETER H. WILSON, Mayor

ATTEST:

LEIGHANNA T. WORLEY, Town Clerk