

Town of Badin Ordinance 12-1

AN ORDINANCE AMENDING ORDINANCE 10-3 PROVIDING FOR THE PREVENTION AND ABATEMENT OF PUBLIC NUISANCES CAUSED BY THE UNCONTROLLED GROWTH OF NOXIOUS WEEDS AND GRASS AND THE ACCUMULATION OF REFUSE

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

WHEREAS, the Town Council is authorized by Section 160A-174, 160A-175, and 160A-193 of the General Statutes of North Carolina to abate nuisances,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Badin, North Carolina: that Ordinance 10-3, Providing for the Prevention and Abatement of Public Nuisances is hereby rewritten in its entirety to read as follows:

Section 1. Declaration Of Public Nuisances.

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

1. Any weeds or other vegetation having an overall height of more than twelve (12) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.

2. Any accumulation of trash and/or garbage which is the result of the absence or of overflowing or improperly closed trash or garbage containers;

3. Accumulation in an open place of hazardous or toxic materials and chemicals.

4. An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;

5. Any accumulation of garbage, 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, mosquitoes, or vermin prejudicial to the public health.

6. 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.

7. The open storage or public accessibility of any discarded ice box, furniture refrigerator, stove, glass, building materials, building rubbish or similar items.

8. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Manager or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

9. Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

Section 2. Complaint; Investigation Of Public Nuisance.

When any condition in violation of this ordinance is found to exist, the Enforcement Official or such persons as may be designated by the Town Manager, or the Town Manager, himself, shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the Town may proceed to correct the same as authorized by this section. The Badin Police Chief may, in certain cases, declare a violation to be an extreme nuisance condition or public health risk and require no less than twenty-four (24) hours for immediate abatement of the violation. Service of such notice shall be by any one of the following methods

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1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.

2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon.

3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2).

Section 3. Abatement Procedure.

If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town manager 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.

Section 4. Procedure Is Alternative

The procedure set forth in this Ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in N.C.G. S. 14-4.”

All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

This ordinance shall become effective upon its adoption by the Town Council of the Town of Badin, North Carolina.

Duly passed by the Badin Town Council on the 10th day of January, 2012.