

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

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 of Rural Hall is authorized by Section 160A-174, 160A-175, 160A-192, and 160A-193 of the General Statutes of North Carolina to define, remedy and abate nuisances,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Rural Hall, 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 or safety and to constitute a public nuisance:

- (a) The uncontrolled growth of noxious weeds or grass to a height in excess of twelve (12) inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (b) Any trees or shrubbery that shall interfere with or endanger the use of the public streets; interfere with or obstruct illumination of street lights; obscure sight distance or create a traffic hazard; interfere with the visibility of any traffic control device or sign; obstruct or impair the free passage of pedestrians on sidewalks; project into or overhang city sidewalks or other City or State rights-of-way at a vertical clearance of less than seven (7) feet; or endanger the life, health, safety or property of the public.
- (c) 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.
- (d) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhibitions therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (e) The open storage of any glass, building material, building rubbish, ice box, refrigerator, stove, washer, dryer, or similar items.
- (f) Any condition detrimental to the public health which violates the rules and regulations of the Forsyth County Health Department.

Section 2. The Town Manager, upon notice from any person of the existence of any of the conditions described in Section 1, shall cause to be made by the appropriate

County Health Department official, or Town official, such investigation as may be necessary to determine whether, in fact, such conditions exist as to constitute a public nuisance as declared in Section 1.

Section 3. Upon a determination that such conditions constituting a public nuisance exist, the Town Manager shall notify, by certified mail, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisances and shall order the prompt abatement thereof within ten (10) days from the receipt of such written notice.

Section 4. Within seven (7) days from receipt of the notice provided for in Section 3 above, the owner, occupant, or person in possession of the premises may request a hearing before the Town Manager and the County Health Department official, or Town official, whose investigation and findings resulted in the initial abatement order. The Town Manager shall fix a time for the hearing, and the initial abatement order shall be temporarily suspended pending such hearing. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the Town Manager shall consider the evidence before him and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order.

Section 5. Upon the occurrence of either of the following conditions:

- (1) a hearing is requested and held under Section 4 above resulting in either a final order with modifications or the reinstatement of the initial order as a final order, and such order is not complied with; or
- (2) no hearing is requested or held, and the person having been ordered to abate such a public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within ten (10) days of receipt of said order;

then, the Town Manager shall cause said condition to be removed or otherwise remedied by having employees of the Town to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Town Manager. Any person who has been finally ordered to abate a public nuisance may within the time allowed by this ordinance request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

Section 6. The initial cost for town abatement is five hundred dollars (\$500.00) to go onto the property, which covers the first hour. Each additional hour thereafter or fraction thereof, the owner of such lot or parcel of land is to be billed four hundred dollars (\$400.00) per hour by the Town in removing or otherwise remedying the public nuisance.

Section 7. In the event charges for the removal of abatement of a public nuisance are not paid within thirty (30) days after receipt of a statement of charges as provided for in Section 5 of this ordinance, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. 160A-193.

Section 8. 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 \$10.00 per day, which may be recovered by the Town in a civil action in the nature of debt if the offender does not pay any levied penalty or deficiency within thirty (30) days after he has been cited by the Town Manager.

Section 9. As per NCGS 160A-200.1, the Town may notify a chronic violator of the Town's public nuisance ordinance, that if the violator's property is found to be in violation of the ordinance, the Town 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 notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the Town gave notice of violation at least three (3) times under any provision of the public nuisance ordinance.

Adopted this the 12th day of June, 2017 and becomes effective July 1, 2017.



TOWN OF RURAL HALL

Larry T. Williams

Larry T. Williams
Mayor

ATTEST:

Dora K. Moore

Dora K. Moore, MMC, NCCMG
Town Clerk