

PUBLIC NUISANCES ORDINANCE

Sec. 1-1 Nuisances prohibited; enumeration.

The following enumerated and described conditions are 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 of Summerfield and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisance is hereby declared unlawful.

- 1) Any condition which constitutes or may become a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pest.
- 2) A place of dense growth of weeds or other noxious vegetation over twelve (12) inches in height within the boundaries of any lot or parcel with residential or commercial development except for:
 - a) Active farming or agricultural use; and
 - b) Those lands dedicated and accepted by the town as flood plain and open space, which are established in order to preserve natural green ways and or natural connecting networks along flood ways, streams and creeks.
- 3) 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.
- 4) An open plate of collection of garbage, food wastes, or any other rotten or putrescible matter of any kind.
- 5) Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.
- 6) Buildings occupied and vacant, and other non-residential structures that constitute a health or safety hazard or both to the citizens of the Town of Summerfield as a result of conditions creating a fire hazard bad condition of walls, overloaded floors, defective construction, delayed or abandoned construction (defined as construction without substantial progress for any period of ninety (90) consecutive calendar days), decay, unsafe wiring or heating system, inadequate means of egress, dangerous conditions creating a threat to children, frequent use by vagrants, as living quarters or other reasons, or the attraction of insects or rodents.
- 7) Motor vehicles abandoned, within the meaning N.C.G.S. 160A-303, on public streets or public or private property or found in violation of the Summerfield Development Ordinance.
- 8) Wind blown trash collecting in or on properties or premises and/or leaving the boundaries of said property or premises by airborne means.

9) Trash, refuse, garbage, broken glass, or general litter in, on, or around commercial parking lots.

10) Building materials, new or used, stored or placed in open areas visible from the roadways or neighboring property for a period of sixty (60) consecutive calendar days unless it can be shown the materials will be used in construction of a properly permitted building on the subject property in less than a total of one hundred twenty (120) days.

11) Storage of materials, inventories, vehicles, equipment, etc in areas visible from roadways or a neighboring property unless the subject property has the proper zoning, licenses, and permits for such a commercial activity.

12) Any condition detrimental to the public health, which violates the rules and regulations of the county health department.

Section 1-2, Notice to abate; emergency abatement by Town.

If any person shall violate the provisions of Section 1-1, it shall be the duty of the enforcement officer or properly designated representative to give notice to the owner or to any person in possession of the subject property, as provided by Section 1-3, directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice; provided, that if, in the opinion of the Enforcement Officer or his designee, the unlawful condition is such that it is of imminent danger or peril to the public, then any authorized representative of the Town of Summerfield may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property.

Section 1-3, Service of Notice

The owner of the subject property shall be notified of violation of Section 1-1 by posting the notice in a conspicuous place on the subject property and personal delivery of said notice by registered or certified mail, return receipt requested to the address listed in the Guilford County Tax billing records.

Any such notice may be served by an authorized representative of the Summerfield Town Council, or by any police office of the Town, or by any sworn law enforcement officer when so authorized by the Town council.

Section 1-4, Defect in notice not to effect lien.

Any defect in the method of giving the notice required by Section 1-2, or in the form thereof or the giving of such notice to an improper person, shall not prevent the Town, in any case where the work of abating an unlawful condition upon any property is caused by the Town, from collecting the cost thereof from the owner, nor shall it affect the validity of the lien on the property for such cost.

Section 1-5, Abatement by Town where owner fails to abate

Upon the failure of the owner to abate any unlawful condition existing thereupon within the time prescribed by Section 1-2, it shall be the duty of the enforcement officer to cause the removal and abatement of such unlawful condition therefrom.

Upon the completion of such removal and abatement, the enforcement officer or his designated representative shall deliver to the Town Clerk a statement showing the actual cost of the abatement of the unlawful condition plus an additional fee of ten (10) percent of the total clean up costs with a minimum of one hundred dollars (\$100.00) to cover the cost of notice and cost of collection. The Clerk shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon the subject property, and if not paid within thirty (30) days shall be collected as in the manner provided for the collection of delinquent taxes.

State law reference – Lien authorized, G-S 9 160A-193.

Section 1-6, Appeals.

The enforcement officer or designee may enter upon the premises involved for the purpose of abating the nuisance found to exist under this article. Within the ten-day period mentioned in Section 1-2 hereof, the owner of the property where the nuisance exists may appeal the finding of the enforcement officer to the Town council by giving written notice of appeal to the Town Clerk. An appeal stays the abatement of the nuisances by the Enforcement Officer until a final determination by the town council. In the event no appeal is taken the enforcement officer may proceed to abate the nuisance.

Section 1-7, County health officer may exercise con-current authority.

It is the intention of this article that any authorized representative of the Enforcement Officer shall be primarily responsible for the enforcement of the provisions of this article; but the county health officer and any charge made by the county health office in accordance with the provisions of section 1-5, subsection (b) shall be as valid as if made by the enforcement officer.

This ordinance is hereby adopted by the Summerfield Town Council at its regularly scheduled public meeting January 5, 1999 and is effective upon adoption.