

CHAPTER 12.

Article IX. Nuisances

Sec. 12-201. Definitions.

- A. The terms **Nuisance and/or Public Nuisance** shall mean any act, thing, occupation, condition or use of property which shall:
1. Substantially annoy, injure, or endanger the comfort, health, repose, safety, property values or quality life of the public;
 2. In any way render the public insecure in life or in use of property;
 3. Greatly offend the public morals or decency;
 4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous passage on any street, alley, highway or other public way.
- B. The term **Livability Codes Official** (LCO) is used to denote the individual(s) sworn into Town office to be responsible for enforcing this ordinance.
- C. The term **Livability Court** refers to the Municipal Court sessions which handle violations of this ordinance.

Sec. 12-202. Public nuisance prohibited.

It shall be unlawful for any person to erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

Sec. 12-203. Enumeration of public nuisances negatively affecting livability:

- A. The following are declared to be examples of such nuisances including but not limited to:
1. Garbage, trash or refuse, except that stored in authorized sealed receptacles for collection day(s);
 2. Garbage cans which are not fly-tight and open privy vaults. For this section a "privy vault" is in a latrine and is a constructed receptacle for human waste from which the waste is collected periodically
 3. Dilapidated or unusable furniture in an inappropriate setting;
 4. Unusable or discarded refrigerators, freezers, stoves or other appliances;
 5. Unusable or discarded machinery or equipment or parts thereof;
 6. Used and discarded building materials
 7. Broken and discarded glass, used tires and plastic/foam materials;
 8. Any other item which is either wholly or partially rusted, wrecked, junked, dismantled, discarded or inoperative
 9. Used or discarded clothing;
 10. Dead animals;
 11. Stagnant water;
 12. Any manmade or natural matter which causes an offensive odor;
 13. All noxious weeds, grasses (cultivated or wild) and other rank or overgrown vegetation, including residential and commercial lawns which are deemed unkempt;
 14. The pollution of any public well or cistern, stream, lake, or canal by sewage, creamery or industrial wastes or other substances;
 15. Anything that threatens or could cause injury to the life or health of any person or significant damage to property/property value;
 16. All burned-out structures, decaying structure unsuitable for business or shelter;
 17. All open unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
 18. Vacant lots overgrown with trees, vines, weeds, underbrush.

Sec. 12-204. Accumulation of weeds or refuse prohibited.

- A. It shall be unlawful for any person, including the owner, occupant or agent of any premises to maintain or permit to be maintained such premises, including vacant lots or land, upon which grass, weeds, undergrowth are permitted to accumulate in any manner which is or may become a public nuisance.
 - 1. Where empty lots are adjacent to public streets, roads and/or sidewalks, the property shall be maintained neatly 10' from the street, road and/or sidewalk or to the tree line whichever is greater.
- B. The words "weeds" and "rank vegetation" as used in this section include ivy, poison ivy/oak/sumac, kudzu, plants with obnoxious odors, allergy causing weeds and grasses which serve as breeding grounds for mosquitos or a refuge for snakes and rats, or any other growth that creates a fire or traffic hazard or a nuisance due to unsightliness.
- C. It shall be unlawful for any person including the owner, occupant or agent of any premises to maintain or permit to be maintained kudzu, honeysuckle, ivy or any other woody or vine-type plant upon such premises, including vacant lots or land, when such plants grow beyond the bounds of the premises so as to be entwined in fences, buildings, trees or public utilities or any other property.
- D. When mowing, grass clippings blown onto the sidewalk or into the street must be raked off sidewalks and out of the street.
- E. When pine straw/cones, leaves and fruit fall into the street from trees on private property, the person(s) responsible for the property must rake the same into piles for pick-up by the Town. Such debris should be raked away from drain grates/openings. Extensive buildup of such debris is a violation of this ordinance.

Sec. 12-205. Duty of business owners/managers to keep premises clean.

- A. The owner or occupant of any store or other place of business, whether in use or not, situated within the Town limits shall at all times keep his premises clean of waste paper, wrapping paper, paper napkins, cartons, plastic and glass items, package containers, cigarette butts and other used or waste materials thrown or left on the premises, and prevent such articles from drifting or blowing onto adjacent properties.
- B. Well-maintained receptacles of sufficient size and number shall be placed on the premises accessible to the customers and employees of such business where articles of waste referred to in (A) of this section may be disposed of, and such wastes collected shall be disposed of in accordance with the provisions of Chapter 8. Article II. Sec.8-9. or if the business contracts for its own garbage disposal, the receptacles are emptied as needed in the commercial container.
- C. All grass and landscaped areas shall be maintained in a neat, clean manner.
- D. Signs pertaining to the business shall be kept in good repair at all times.

Sec. 12-206. Temporary signs.

The Town Sign Ordinance defines which temporary signs are permissible. Unless listed in that ordinance, temporary signs are not allowed on property within the town limits.

Sec. 12-207. Abandoned refrigerators or other airtight containers and mattresses/upholstered furniture.

- A. It shall be unlawful for any person, including owner or occupant of any premises, to leave, permit, abandon or discard outside buildings or structures or on vacancy lots any unattended or discarded icebox, refrigerator or container of any kind.
- B. It shall be unlawful for any person, including the owner occupant or agent of any premises, to place and or store in the sight of the street or any property to the left, right or on the porch of the premises and/or in the yard.

Sec. 12-209. Enforcement Procedures; Appeals; Abatement by Town.

- A. Livability Codes Officials have the duty and responsibility of enforcing this chapter. Enforcement of this chapter shall be by inspection of the property, investigations of complaints and observation of persons who violate any of its provisions. The aforementioned authorized officials may enter at any reasonable time upon public or private property to investigate conditions related to the matters covered in this chapter.
- B. The authorized official(s) shall be empowered to issue a written notice when any provisions of this chapter have been violated. Such notice shall allow fifteen (15) business days from its receipt for performance of any act it requires, shall specify the manner in which the violations may be corrected, and shall state that noncompliance may result in further legal proceedings; provided, however, that where it appears that the same owner, occupant or person responsible has been given notice for the same violation at the same location within the previous ninety (90) days, such requirements of a reasonable time period may be waived and legal proceedings commenced immediately.
- C. Within five (5) business days following the receipt of the notice, any person receiving such notice, may file a written appeal with the authorized official for such relief as he may grant, after investigation of the grounds thereof by way of a reasonable extension of time or relief from strict compliance with the provisions of this chapter.
- D. If any person receiving such notice fails or refuses to correct the violation within the time prescribed, such person shall be deemed in violation of this chapter. A violation of this chapter shall be a misdemeanor. *Person found guilty of this section shall be fined at the discretion of the Court an amount not to exceed \$500.00 or 30 days confinement.*

Sec. 12-210. Complaint by Citizens; Report by Officers

- A. Any citizen or resident of the Town may complain of and report to Town Hall any nuisance or other matter or thing detrimental to public health, safety or quality of life. Such complaint and

report must be in writing, must specify fully the character of the nuisance or other matter complained of and be signed by the person making such complaint or report. The identity of the individual making the complaint shall be held in confidence.

- B. Town Hall shall forward the complaint to the LCO who shall investigate and follow the procedure for abating a nuisance.
- C. Whenever practical, the LCO shall take pictures of the nuisance and retain the same in a file in the office.

Sec. 12-211. Service of Violation Notice.

- A. Service of notice to violators under this chapter shall be as follows:
 - 1. By delivering the notice personally to the owner of the property and/or the person responsible, or by leaving the notice at the usual place of abode or business of the owner or person responsible with a person of suitable age and discretion.
 - 2. By depositing the notice with the United States Postal Service addressed to the owner or person responsible at his last known address, with postage prepaid and certified: or
 - 3. If service cannot be obtained by either of the methods described in (a) and (b) of this section, by posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises where the violation has occurred and publishing once a week for three (3) weeks in a newspaper of general circulation in the town such information as is necessary to inform the owner or person responsible of the location of the premises and type of offence.

Sec. 12-212. Emergency Abatement.

- A. When the LCO determines that a public nuisance is such an imminent peril to the life, health and/or safety of the public or to public or private property that the time required to follow the procedures outlined in this section would seriously threaten the health or safety of the public or create injury to public or private property, the LCO shall inform Council.
- B. Council may order the abatement of such nuisance, requiring that the public nuisance be eliminated within seventy-two (72) hours or else the responsible party shall be guilty of a misdemeanor.
- C. If the party responsible has not acted in accordance with the town's notice, the Town may use Town forces or it may employ contractors to abate the nuisance after the said seventy-two hours.
- D. The Town may assess any such costs incurred against the person responsible for the nuisance and such costs shall be placed as a lien against the property and the lien shall be collectible in the same manner as municipal taxes