

AMENDMENT O#2006-01

AN ORDINANCE REGULATING PUBLIC NUISANCES THE TOWN OF BERMUDA RUN

BE IT ORDAINED by the Town Council of the Town of Bermuda Run, North Carolina that Ordinance O#2006-01, regulating nuisances, adopted August 8, 2006 is amended to read as follows:

Part 1.

Section I: PURPOSE.

The purpose of this ordinance is to identify, arrest, prevent and mitigate the hazards to health, safety and general welfare of the residents of the Town and its environs caused by trash, debris, improper storage of materials, overgrown lots and the existence of dilapidated buildings, sheds, accessory buildings and nuisance vehicles which create areas which harbor vermin, insects, cause disease and increase the potential for fire, accident or other calamities.

Section II: JURISDICTION.

The provisions of this ordinance are applicable to all properties, whether improved or vacant lands, which are located within the Town's corporate limits and ETJ area as is now or may in the future be fixed.

Section III: 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 noxious 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 of any discarded icebox, 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 her 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 Department.
10. Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
11. The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.

Section IV: NUISANCES VEHICLE.

Nuisance vehicle shall mean a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful including a vehicle found to be:

1. A breeding ground or harbor for mosquitoes, other insects, rats, or other pests; or
2. A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
3. A point of collection of pools of ponds of water; or
4. A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
5. One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
6. So situated or located that there is a danger of it falling or turning over; or
7. One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
8. One which has sharp parts thereon which are jagged or contain sharp edges of metal or glass; or
9. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council.

Note: A motor vehicle found to be a nuisance vehicle shall remain a nuisance vehicle until made fully operational, removed from the property or stored in a fully enclosed structure as approved by the code administrator.

Section V: OVERGROWN LOTS AND LOT MAINTENANCE.

Overgrown lots and concentrations of trash and debris on a property can create hazardous, unsafe or unhealthy conditions and constitute a public nuisance.

1. *Duties of owners and occupants of overgrown lots.*
 - a. It shall be unlawful for the owner or occupant of a property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds and overgrowth vegetation is of a greater height than twelve (12) inches on average, or to permit the property to serve as a breeding place for mosquitoes, as a refuge for vermin, collection place

for trash and litter, or as fire hazard any one of which situations is declared to be a nuisance.

- b. It shall be the duty of the owner or occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary.
 - i. Vacant lots adjacent to improved properties except as defined as heavily wooded (densely wooded with trees or scrubs where equipment cannot maneuver because of the density of the area) shall be cut in their entirety as often as necessary in order to meet the requirements listed above.
 - ii. Vacant lots over one acre and adjacent to improved properties shall be cut within one hundred (100) feet of such improved property as often as necessary in order to meet the requirements listed above
- c. It shall be unlawful for the owner of a heavily wooded lot to permit the property to serve as a breeding place for mosquitoes, as a refuge for vermin, as a collecting place for trash and litter, or as a fire hazard, any one of which is declared to be a nuisance. It shall be the duty of the owner to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary.

Section VI: COMPLAINT; INVESTIGATION OF PUBLIC NUISANCE.

When any condition in violation of this section is found to exist, the code administrator or other such persons as may be designated by the Town Manager, or the Town Manager, herself, 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. Further, this notice shall advise the owner that any repeat offense of the same nature on this same property within 12 months of the date of notice will result in immediate abatement of such violation without additional or further notice. Service of such notice shall be by any one of the following methods.

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 VII: 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.

If a violation is determined to be a repeat offense, (any additional violation of the same nature, on the same property, with the same owner, within 12 months of the previous warning citation), the code officer will abate the violation without further notice to the owner 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 VIII: PROCEDURE IS ALTERNATIVE


Nothing in this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this ordinance shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth by Town Ordinance O#2006-02. A violation shall not constitute a criminal offense. 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 N.C.G.S. 14-4."

Part 2. If another ordinance is in conflict with the provisions of this Ordinance, the more stringent of the ordinances shall prevail unless specifically repealed.


Part 3. This Ordinance shall and does become effective as of December 11, 2012 and shall remain and continue in effect unless or until further amended or repealed by the Town Council of Bermuda Run

Amended and Adopted this the 11th day of December, 2012 by the Town Council of the Town of Bermuda Run, North Carolina.

TOWN OF BERMUDA RUN

By: 
Kenneth A. Rethmeier, DrPH
Mayor

ATTEST:


H. Lee Rollins, Town Clerk