

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 Board of Commissioners of the City of Saluda, North Carolina is authorized by N.C. Gen. Stat. § 160A-193 to abate nuisances;

WHEREAS, the Board of Commissioners of the City of Saluda finds it necessary and desirable to promote or enhance: **Amended 8/14/2017**

- (1) The quality of urban attractiveness and aesthetic appearance of the City, **Amended 8/14/2017**
- (2) The protection of property values throughout the City, **Amended 8/14/2017**
- (3) The preservation of the livability and attractiveness of neighborhoods, **Amended 8/14/2017**
- (4) The promotion of tourism, conventions, and other opportunities for the economic development for the City, **Amended 8/14/2017**
- (5) The attractiveness of the City's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the City. **Amended 8/14/2017**

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Saluda hereby amends and restates the City's Ordinance Providing for the Prevention and Abatement of Public Nuisances Caused by the Uncontrolled Growth of Noxious Weeds and Grass and invasive species and the Accumulation of Refuse to read in its entirety as follows: **Amended 8/14/2017**

Section 1.01 The existence of any of the following conditions on any vacant lot or any other parcel of land within the corporate city limits is hereby declared to be dangerous or 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 twenty-four inches (24").
- (b) The uncontrolled growth and spread by crossing any lot boundary or parcel of land either by roots, vegetative growth or seed drop of any North Carolina State-listed Noxious Weed or invasive plant by the North Carolina Forest Service, NC Department of Agriculture, USDA, Executive order 13112 or Natural Resources Conservation Service (NRCS). **Amended 8/14/2017**
- (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 inhabitation 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 abandoned ice box; refrigerator; stove; glass; building material; building rubbish; open trailers; inoperable construction equipment, watercraft or aircraft which has been unused for more than 120 days; or similar items.
- (f) Any accumulation of trash, refuse, junk or other discarded material not either placed in an authorized receptacle with a reasonable expectation that it would be collected for disposal or recycling or stored in an authorized solid waste or recycling facility.
- (g) Any outdoor storage of solid waste including but not limited to: decaying animal or vegetable matter, animal or human feces, trash, rubbish, garbage, rotting lumber, packing materials, scrap metal, pallets, fuel storage containers, tools, tires and wheels, furnaces, home appliances, furniture, plumbing fixtures, construction materials, amusement park devices, metal, pipes, rubber, glass bottles, machinery, wood, brick, cement block, all terrain vehicles, toys, bicycles, junk or any other substances in which flies, mosquitoes, other disease carrying insects, rodents or other vermin can harbor. **Amended 8/14/2017**
- (h) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department, or any condition which, to a person of reasonable intelligence and discretion, would constitute a condition dangerous or prejudicial to the public health.

Section 1.02 Whenever it shall come to the attention of the City Zoning Administrator that there exists on any lot, parcel of land, residence or other building in the City any of the conditions enumerated in this Ordinance, he shall forthwith give the owner or occupant thereof notice, served upon such owner or occupant in person, by certified mail, return receipt requested, or if such service by mail cannot be had after a reasonable attempt is made, then by publishing the notice in a newspaper regularly published in the county once a week for two consecutive weeks, that such condition exists and that such owner or tenant shall have thirty (30) days from the date of such service of notice in person, by mail, or from the final date of publication of such notice, during which to remedy the nuisance condition, or the City shall cause the nuisance condition to be remedied.

Section 1.03 If any person has, within any six-month period, been notified more than once of the existence of any condition constituting a violation of any subsection of Section 1, such repeated notification of a violation of any such subsection shall constitute continuing notice of a violating condition for a period of six (6) months following any such repeated notice. In such event, no notification or waiting period by the City shall be prerequisite to the remedies provided in this article.

Section 1.04 If any condition is determined by the Zoning Administrator to constitute a condition seriously dangerous or seriously prejudicial to the public health or safety, and if such condition is such as to demand urgent or immediate corrective action, no notice need be given pursuant to this section or otherwise, except as required by applicable law, the United States Constitution or the state constitution. The City shall in such case have all remedies available in relation to such condition as are provided in this Ordinance or otherwise applicable law, which remedies shall be cumulative to the greatest extent permitted by law. Any action commenced by or on behalf of the City may be brought in any division of the state general court of justice permitted by state law.

Section 1.05 If the person upon whom such notice is served fails, neglects, or refuses to abate or remove the conditions constituting the nuisance within the time permitted, the Zoning Administrator shall certify such fact to the Board of Commissioners who shall forthwith cause said condition to be removed or otherwise remedied by having employees of the City go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Zoning Administrator.

Section 1.06 The actual cost incurred by the City in removing or otherwise remedying a public nuisance under this Ordinance shall be charged to the owner or occupant of such lot or parcel of land, and it shall be the duty of the City Tax Collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days of the receipt thereof.

Section 1.07 In the event charges for the removal or abatement of a public nuisance are not paid within the thirty (30) days after the receipt of a statement of charges as provided for in Section 6 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 N.C. Gen. Stat. §160A-193.

Section 1.08 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 Ordinance shall not prevent the City from proceeding in a criminal action against any person, firm or corporation violating the provisions of this Ordinance as provided for in N.C. Gen. Stat. §14-4.

Section 1.09 This ordinance is adopted and effective this 11th day of March, 2013.

Section 1.10 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

APPROVED:

By: _____
Fred Baisden, Mayor

ATTEST:

By: _____
Tola Ellis, City Clerk

APPROVED AS TO FORM:

By: _____
Jana Berg, City Attorney