

CHAPTER 94: HEALTH AND SANITATION; NUISANCES

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GENERAL PROVISIONS**§ 94.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Decayed meats, fruits, vegetables, food waste, any container material and any other things that attract flies and create offensive odors.

LITTER. Trash, waste paper, garbage or any other discarded material appearing as an untidy accumulation of objects.
(1993 Code, § 38-1)

§ 94.02 VIOLATION OF COUNTY HEALTH REGULATIONS.

It shall be unlawful for any person to violate any lawfully adopted rule or regulation of the County Board of Health. The enforcement of this section shall be under the supervision of the County Health Officer.
(1993 Code, § 38-2) Penalty, see § 10.99

§ 94.03 RIGHT OF ENTRY; INSPECTIONS, INVESTIGATIONS.

The County Health Officer or any of his or her assistants have the right to enter any premises at any reasonable hour for the purpose of making inspections or investigations.
(1993 Code, § 38-3)

§ 94.04 INTERFERENCE WITH HEALTH OFFICER.

It shall be unlawful for any person to hinder, obstruct or delay the Health Officer or any of his or her assistants in the lawful discharge of their duties.
(1993 Code, § 38-4) Penalty, see § 10.99

§ 94.05 LIABILITY FOR REMOVAL OF NUISANCES, VIOLATIONS.

The owner, lessee, tenant or occupant of any building or premises where there shall be a nuisance or any violation of any ordinance relating to health and sanitation shall be jointly and severally liable therefor and each of them may be required to abate the same or comply with the order of the Health Officer or his or her assistants within the time specified within the order.
(1993 Code, § 38-5)

§ 94.06 SANITATION OF BUSINESS PREMISES.

(A) All persons doing business in the town shall keep their premises in a sanitary and litter-free condition. Garbage, including fish boxes, decayed meats, fruits, vegetables or any other thing which attracts flies or creates offensive odors, shall be removed.

(B) All drugstores, drink stands, restaurants, markets, barbecue stands and barbershops must be kept in a sanitary condition. Any place declared unsanitary by the Health Officer shall be immediately closed and remain closed until put in a sanitary condition.
(1993 Code, § 38-6)

§ 94.07 DISPOSAL OF HUMAN AND ANIMAL WASTE; DEAD ANIMALS.

(A) It shall be unlawful for any person to urinate or deposit any human waste on any street, lot or premises except in an approved sanitary facility. No butcher, fishmonger, huckster or vendor of merchandise of any kind shall leave any refuse on the streets, or uncovered by earth, on the lots of the town. All putrid or decayed animal or vegetable matter must be removed from all cellars and out buildings at least once in every 48 hours during the months of May, June, July, August and September, and at least once a week during the other months of the year.

(B) No animal that died by disease or accident and no meat therefrom nor any animal or meat therefrom killed while feverish, bruised, disabled, injured with broken bones or otherwise heavy with young, jaded or fatigued from long driving or shipping, or killed or kept in some building or in so close proximity with fumes of gas, or disease or spoiled meat as to become contaminated therefrom or rendered unwholesome or unhealthy thereby, or manipulated with tools used on diseased or other dead carcasses as aforesaid, shall be brought into town, held or offered for sale as food therein.

(C) Owners of animals dying in the town shall, upon notice of their death, immediately remove same. Removal of that animal at least 1/2 mile beyond the corporate limits of the town must be accomplished within 12 hours from the time of the animal's death.

(D) Any animal killed by a railroad train or rail car within the corporate limits of the town shall be removed by the railroad. For failure to observe this section, after having been notified by the Town Administrator, a fine shall be imposed on that company.
(1993 Code, § 38-7) Penalty, see § 10.99

§ 94.08 MAINTENANCE OF DITCHES, DRAINS.

Ditches and drains on all property within the town shall provide for the adequate disposal of surface water, as determined by the County Health Officer and/or an official of the town designated by the Board of Commissioners.
(1993 Code, § 38-8)

§ 94.09 RODENT CONTROL.

All business buildings shall be rat-proofed, freed of rats and maintained in a rat-proof and rat-free condition by the agents, owners or occupants thereof, as required by the County Health Department. (1993 Code, § 38-9)

§ 94.10 REMOVAL OF STAGNANT WATER.

Stagnant waters in cellars or upon lots shall be removed on notice from the County Health Officer to the person permitting the same to remain. (1993 Code, § 38-10) Penalty, see § 10.99

§ 94.11 MOSQUITO CONTROL.

It shall be unlawful for any person to permit within the town any collection of standing or flowing water in which mosquitoes breed, or are likely to breed. (1993 Code, § 38-11) Penalty, see § 10.99

§ 94.12 UNUSED OR ABANDONED WELLS.

Unused or abandoned wells shall be filled by the owners or agents in charge of the property on which those wells are located. Failure to fill that well within 30 days after written notification to do so shall be a violation of this section. (1993 Code, § 38-12) Penalty, see § 10.99

NUISANCES GENERALLY**§ 94.25 CONTROL OF WEEDS AND NOXIOUS GROWTH.**

Every owner or person in possession of property, either vacant or occupied, within the corporate limits of the town shall maintain the property in a manner so that all grass, weeds or other noxious growth on the lot is kept at a level not to exceed four inches. If, after proper notice, it becomes necessary for the town to maintain the property because the property owner or person in possession fails to do so, the expense of the action shall be paid by the person in default, and if not paid, a lien shall be placed upon the land or premises, and shall be collected as unpaid taxes. (1993 Code, § 30-26)

§ 94.26 REGULATION OF SWIMMING POOLS.

(A) In addition to requirements of state law, any person that owns or operates a swimming pool within the corporate limits of the town or one mile thereof that no longer resides or maintains control of the swimming pool shall drain the swimming pool of all water and maintain a sealed, protective covering over the swimming pool so as to prevent water penetration. If, after proper notice, it becomes necessary for the town to maintain the swimming pool to comply with this section because the owner or person in possession fails to do so, the expense of the action shall be paid by the person in default, and if not paid, a lien shall be placed upon the land or premises, and shall be collected as unpaid taxes.

(B) As used herein, *SWIMMING POOL* shall mean any structure intended for swimming, recreational bathing or wading that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground pools, hot tubs, spas, and fixed-in place wading pools.
(Ord. 2009-06, passed 8-17-2009)

§ 94.27 PROPERTY CONDITIONS PROHIBITED.

The following enumerated and described conditions are hereby declared to be a public nuisance and are prohibited. A public necessity exists to exercise the police power of the town to cause the abatement of the following conditions:

(A) A place upon which refuse or debris is permitted or caused to accumulate. The term "refuse or debris" shall be taken to refer to all classifications of solid waste and shall include garbage, rubbish, ashes, street refuse, dead animals, abandoned automobiles and industrial refuse. Provided, however this section does not apply to:

- (1) Industrial refuse temporarily stored within a delineated storage area for purposes of refuse or disposal;
- (2) Building rubbish temporarily stored in a confined area on construction sites during construction;
- (3) Sites approved by the state as sanitary landfills, provided such sites comply with state landfill rules and regulations; and
- (4) Salvage or junk operations carried on in compliance with the Code of Ordinances.

(B) A place upon which any dead tree or other vegetation could fall or otherwise interfere with the free and safe passage along any street or sidewalk.

(C) No person shall place or allow to remain exposed to the elements, whether outdoors or within an enclosed porch or similar area, any chair, sofa, bed, table or similar furniture, which is not designed and intended for outdoor use and which is thereby readily susceptible to deterioration. This section shall not apply to furniture which is placed outside as refuse for collection and disposal.
(Ord. 13-07, passed 9-16-2013)

ENFORCEMENT AND PENALTY

§ 94.93 PROCEDURE FOR NOTICE OF VIOLATION.

When any condition prohibited by this chapter is found to exist, the code enforcement officer shall send to the owner of the property a notice of the violation by first class mail. In addition, on the same date of mailing, notice shall be posted in a conspicuous place on the property. The code enforcement officer shall develop a policy for posting the notice. The notice shall include the following:

(A) The property location and a description of the prohibited conditions found to exist.

(B) An order for the owner to correct the conditions within ten days from mailing and posting of the notice; provided, however, the code enforcement officer may extend the time for correcting such conditions for a period not to exceed ten additional days, where he or she finds such extension to be necessary and reasonable.

(C) An explanation of the hearing and appeal procedure set forth in § 94.95. If the name or whereabouts of the owner of the property cannot be discovered through the exercise of due diligence, then the notice shall be posted on the property in question.
(Ord. 13-07, passed 9-16-2013)

§ 94.94 CHRONIC VIOLATORS; NOTICE OF VIOLATION; REMEDIES.

(A) A chronic violator is a person who owns property whereupon, in the previous calendar year, the town issued a notice of violation pursuant to § 94.93 at least two times due to conditions prohibited by this chapter.

(B) The code enforcement officer may notify a property owner who is a chronic violator as defined in division (A) of this section that, if the violator's property is found to be in violation of this chapter, the town may, without further notice in the calendar year in which the 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 annual notice shall be served by registered or certified mail and regular mail. If the owner of the property refuses to accept notice of the violation, or if the name or whereabouts of the owner of the property cannot be discovered through the exercise of due diligence, then the notice shall be posted on the property in question.

(Ord. 13-07, passed 9-16-2013)

§ 94.95 HEARING AND APPEAL; TOWN SELF HELP REMEDY.

(A) If the property owner does not correct the conditions in the notice of violation and order issued pursuant to § 94.93, then the code enforcement officer shall have authority to enter the premises involved and correct the conditions. However, within the time period to correct the conditions as set forth in § 94.93, the owner may appeal the findings to the Board of Adjustment by giving written notice of the appeal to the code enforcement officer to stay the abatement of the nuisance (prohibited conditions) by the code enforcement officer until a final determination by the Board of Adjustment. In the event no appeal is taken, the code enforcement officer may proceed to correct the conditions.

(B) The code enforcement officer shall place the appeal on the agenda of the Board of Adjustment within a reasonable time. The Board of Adjustment may, after hearing all interested persons and reviewing the findings of the code enforcement officer, reverse the finding and order made pursuant to § 94.93; but if the Board of Adjustment shall determine that the findings of the code enforcement officer are correct and proper, it shall adopt an order affirming the determination of the code enforcement officer and specifically declaring the conditions existing on the property to be a danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and a public nuisance and directing the code enforcement officer to cause the conditions to be abated.

(Ord. 13-07, passed 9-16-2013)

§ 94.96 COLLECTION OF COST OF ENFORCEMENT.

(A) After correction of the conditions pursuant to this chapter, the cost of abatement, together with interest of 8% per annum accruing thereon, shall constitute a lien against the property and shall have the same priority and be collected in the same manner as unpaid ad valorem taxes upon such property.

(B) The cost of enforcement is also a lien on any other real property owned by the property owner, where such property is located within the town limits or within one mile of the town limits, except for the owner's primary residence.

(C) In the alternative, in the discretion of the town, the cost of enforcement may be recovered as a civil penalty by the town in a civil action in the nature of debt as provided in G.S. § 160A-175(c).

(Ord. 13-07, passed 9-16-2013)

§ 94.97 REMEDIES.

This chapter may be enforced by any one, all, or a combination of the remedies described herein or elsewhere in this chapter or otherwise authorized by common law or statute. Such statutes include but are not limited to G.S. § 160A-175.

(Ord. 13-07, passed 9-16-2013)

§ 94.98 CRIMINAL PENALTY.

It shall be unlawful for any person to fail to comply with any final order or direction of the code enforcement officer or Board of Adjustment made by virtue and in pursuance of this chapter. Every day such person shall fail to comply with any final order or other direction shall constitute a separate and distinct offense. Such violation shall constitute a misdemeanor or infraction, as provided by G.S. § 14-4. The maximum fine for each violation shall be \$500.

(Ord. 13-07, passed 9-16-2013)

§ 94.99 CIVIL PENALTY.

Any owner who fails to comply with any of the provisions of this chapter shall be subject to a civil penalty in the amount of \$100 for the first day of noncompliance and \$10 for each day thereafter. This penalty may be recovered by the town in a civil action in the nature of a debt if the owner does not pay the same within 30 days after the initial day of noncompliance.

(Ord. 13-07, passed 9-16-2013)