

CHAPTER 9.02: PUBLIC NUISANCES

Section

General Provisions

- 9.02.001 Authorization
- 9.02.002 Definitions

Public Nuisance Abatement

- 9.02.015 Public nuisances prohibited

Burning or Burying Solid Wastes

- 9.02.030 Open burning prohibited
- 9.02.031 Trash containers at building sites
- 9.02.032 Toilets required at building sites

Storage and Disposal of Solid Wastes

- 9.02.045 Property owners to provide waste receptacles
- 9.02.046 Storage and disposal practices

Fats, Oils and Greases Control

- 9.02.055 Scope and purpose
- 9.02.056 Definitions
- 9.02.057 Grease interceptor maintenance, record keeping and grease removal

Complaint Procedure

- 9.02.060 Filing complaints
- 9.02.061 Abatement procedure

GENERAL PROVISIONS**§ 9.02.001 AUTHORIZATION.**

This chapter is enacted to abate public nuisances which are believed to be detrimental to the appearance of the town and to the health and safety of its citizens. It is authorized by G.S. §§ 160A-174, 160A-175, 160A-193 and 160A-303, and Article 9, Chapter 130A. (Prior Code, Ch. 4, Art. I)

§ 9.02.002 DEFINITIONS.

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

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

GARBAGE. All putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

HAZARDOUS WASTE. A solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

HEALTH OR SAFETY HAZARD. An motor vehicle (abandoned or junked), building, or appurtenance found to be: *Amended 02/19/09*

(1) A breeding ground or harbor for mosquitoes, insects, snakes, rats or pests or being used for storage in a manner which may attract pests;

(2) A point of heavy growth of weeds or other noxious vegetation over 18 inches in height;

(3) A point of collection for pools or ponds of water;

(4) A point of concentration or source of uncontained gasoline, oil or other flammable or explosive materials; *Amended 02/19/09*

(5) Located in such a manner that there is a danger of the motor vehicle, building, or appurtenance falling or turning over; or *Amended 02/19/09*

(6) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside, or from exposed surfaces of metal, glass or other rigid materials.

MOTOR VEHICLE and **VEHICLE**. All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

MOTOR VEHICLE, ABANDONED. A vehicle that:

- (1) Has been left upon a street or highway in violation of a law or ordinance regulating or prohibiting parking;
- (2) Is left on property owned or operated by the town longer than 24 hours;
- (3) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than 2 hours: or
- (4) Is left on any public street or highway for longer than 7 days.

MOTOR VEHICLE, JUNKED. A motor vehicle that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than 5 years old and worth less than \$100; or
- (4) Does not display a current license plate

Amended 02/19/09

RECYCLABLE MATERIAL. Newspapers, mixed paper, cardboard, metal cans, plastic and glass bottles.

REFUSE and **RUBBISH**. All solid wastes except wastes liable to become putrid and solids that are dissolved or suspended in wastewater effluent.

SCRAP MATERIALS.

- (1) Discarded articles, pieces or fragments of building or other materials such as lumber, leather, rubber, cloth, paper, plastic, bricks, pipe, shingles, siding, carpeting and the like.
- (2) Objects or things, including but not limited to machines, tools, equipment, hardware, furniture, appliances, and the like, or parts of the same that are no longer in serviceable condition.

SOLID WASTES. Wastes that are nongaseous and non-liquid (except that liquid wastes resulting from the processing of food are deemed as raw material for reprocessing).

STATE OF DISREPAIR. A state in which a property has deteriorating paint, holes in the structure, missing pieces in the structure, rotted wood, exposed interior insulation, exposed interior walls, missing or broken doors and/or windows, missing or falling porch railings, roof is sagging or parts of the exterior roof system are missing, and/or other signs of general disrepair. *Added 2/16/12*

YARD WASTE. Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, including but not limited to grass clippings, limbs or leaves.

WASTES. Includes garbage, refuse, rubbish, trash and all useless, unwanted, or discarded materials resulting from household, industrial, commercial or community activities.

WHITE GOODS. Refers to domestic and commercial large appliances, including but not limited to refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, clothes dryers, dishwashers.
(Prior Code, Ch. 4, Art. II)

PUBLIC NUISANCE ABATEMENT

§ 9.02.015 PUBLIC NUISANCES PROHIBITED.

The existence of any of the following conditions on any lot or parcel of land within the corporate limits of the town is hereby declared to be dangerous and prejudicial to the public health and safety of the inhabitants of the town and to constitute a public nuisance:

(A) *Animal and vegetable matter.* Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitancy therein of rats, mice, snakes, domestic or wild animals, or vermin of any kind which are or may be dangerous or prejudicial to the public health.

(B) *Brush, rubbish, wastes and scraps.* Any accumulation of brush, rubbish, garbage, waste, scrap materials or junk causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation thereof by rats, mice, snakes, domesticated or wild animals or vermin of any kind which are dangerous or prejudicial to the public health and safety, or that is otherwise deemed to be dangerous or prejudicial to the public health, safety or welfare.

(C) *Depositing yard waste at curbside.* Depositing, or allowing to be deposited, yard waste at curbside prior to 5 days before the scheduled date of town pickup. *Amended 02/19/09*

(D) *Docks and waterfront structure.* Allowing docks or other waterfront structures to be in a state of disrepair by reason of storm damage or natural decay that the dock or structure is in danger of becoming a hazard to navigation.

(E) *Dumping and littering.* Depositing or allowing the depositing of any wastes, scrap materials, food containers, garbage, yard waste or any other materials on any public street, sidewalk in or on any other town property which includes lakes, drainage ditches, ponds, waterways and canals except in waste receptacles provided for that purpose, or upon any property not owned by him or her without the consent of the owner, occupant or lessee of the property.

(F) *Household hazardous waste.* Improper disposal of hazardous waste that represents a threat to property or air or water quality of the community.

(G) *Health or Safety Hazard.* Allowing any condition to remain on the property once an

authorized town official or employee declared it to be a health or safety hazard. *Amended 02/19/09*

(H) *Recyclable materials.* Depositing, or allowing to be deposited, recyclable materials at curbside more than 1 day before the scheduled date of pickup; or failure to promptly (within 24 hours) remove from curbside empty containers used for recyclable materials.

(I) *Storage and abandoned materials.* The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building scraps, or similar items. The open storage of building materials, tools and equipment not intended for use on the residential property on which it is stored.

(J) *Uncontrolled shrubbery growth.* Allowing bushes and shrubbery to grow beyond the property line towards the street in a manner that restricts visibility of traffic passing on the street or impedes the delivery of the U.S. mail.

(K) *Uncontrolled weed growth.* The excessive and uncontrolled growth of grasses and weeds (12 inches), underbrush, and other growths which may cause hazards which are detrimental to the public health and safety.

(L) *Uprooted and damaged trees.* Trees uprooted or severely damaged which may cause hazards which are detrimental to the public health and safety and/or to any private or public property. *Amended 02/19/09*

(M) *Waterway bulkheads.* Allowing bulkheading or other means of minimizing erosion to fall into disrepair that erosion of soil into a waterway will increase.

(N) *Transportation of materials.* The transportation of any materials such as sand, gravel, garbage, leaves, and the like unless the materials are secured so as to prevent their escape from the transporting vehicle. Garbage being transported must be enclosed in containers that prevent the escape of noxious odors or liquids.

(O) *Keeping junked vehicles.* Keeping, or allowing to be kept, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property within the Town, any motor vehicle, or part thereof, as such as defined in this section, which are junked.

As used in this section, shielded or screened from view means completely precluding visibility of the subject motor vehicle from all adjacent streets, alleys and properties, by placing the motor vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or behind the front line of the main structure by a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density and circumference to ensure precluding visibility of the subject motor vehicle from all adjacent streets, alleys and properties, or by use of an opaque car cover appropriate for the motor vehicle being covered. *Adopted 02/19/09*

(P) *Allowing a home to be in a state of visible disrepair.* It is unlawful for any person owning any property in the Town to maintain such property in such a manner that any of the conditions listed below are found to exist thereon. *Adopted 2/16/12*

- (1) Any premise which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration, decay, or is unsecure or is improperly secured.
- (2) Unpainted or unstained structures, structures with deteriorating paint, or structures that are in a state which will permit decay, excessive checking, cracking, peeling, chalking, dry rot,

warping, or termite infestation so as to render the building unsightly.

- (3) Structures with missing or broken windows or doors which constitute a hazardous condition and/or invite trespassers and/or malicious mischief. Plywood or other materials used to cover window and/or door space shall not be an acceptable permanent replacement, but are allowable as a temporary covering so long as the permanent covering is installed in a reasonable amount of time.
- (4) Building exteriors, walls, roofs, gutters, fences, accessory structures, driveways, sidewalks, walkways, or alleys that exist in a condition of deterioration, neglect, or disrepair.
- (5) Any other condition on a property which meets the requirements of subparagraph (a) and/or (b) below:
 - (a) Is detrimental to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the reasonable comfortable enjoyment of life or property in the manner customary in the Town of River Bend;
 - (b) Affects an entire community or neighborhood, or any considerable number of persons within the Town.

Should a duly authorized town official or authorized employee declare a property to be in a state of disrepair, written notice must be given to the property owner by either first-class mail or hand-delivery. This notice must clearly delineate any and all reasons for the determination.

Upon receipt of the written notice of determination of a property being in a state of disrepair, the property owner must, within fifteen (15) days from the date of notice, either;

- (a) Abate, in a manner customary in the Town, any and all delineated items in the written notice, or;
- (b) Provide, and have approved by the Town of River Bend, a detailed plan showing how and when the noted disrepair will be abated, or;
- (c) Appeal the determination of the town official by submitting a written request for a hearing before the Town Council.

Should the property owner fail to comply with one of the three options shown above within fifteen (15) days of the date of the notice, the property owner will then be subject to the terms of this ordinance.

Should a property receive damages which constitute a state of disrepair due to a disaster beyond the property owner's control, the property owner will have a reasonable amount of time, not to exceed one (1) year, to make the necessary repairs and will not be subject to the terms of this ordinance. Should the repairs not be made in a reasonable amount of time, however, the property owner will then be subject to the terms of this ordinance.

(Prior Code, Ch. 4, Art. III) Penalty, see § 1.01.999

BURNING OR BURYING SOLID WASTES**§ 9.02.030 OPEN BURNING PROHIBITED.**

(A) All open burning is prohibited within the town limits, except as provided in divisions (C) and (D) below in accordance with North Carolina Administrative Code, Title 15A, § 1900.

(B) (1) The town shall provide a minimum of 4 scheduled leaf and limb pickups with a goal of 6 scheduled pickups per fiscal year. The maximum number of scheduled pickups in a fiscal year shall be 6. The number of scheduled pickups and the dates of these pickups shall be determined by the River Bend Town Council and announced at the beginning of each fiscal year.

(2) Pickups will be provided to residential property within the corporate town limits only. Leaf and limb pickup shall not be provided to any non-residential property or for any contractors, including contractors doing general yard maintenance to residential properties.

(3) For the purpose of this subchapter, leaf and limb is defined as leaves, pine cones, and small tree and shrub limbs. Leaf and limb does not include construction material of any kind, trimmings from lot clearing, tree trunks, grass clippings or commercial contractors.

(4) All leaf and limb must be the result of natural defoliation or minor trimming and must observe the following criteria:

(a) The maximum diameter of limbs is 3 inches and maximum length is 6 feet;

(b) All leaf and limb debris shall be placed in a pile at the roadside with butt ends towards the street in a flat area away from mailboxes and driveway tiles. There must be room for removal equipment to work without harming adjacent grass or shrubbery;

(c) Leaves and pine cones shall be bagged;

(d) Leaf and limb material shall not be placed at the roadside more than 5 days prior to the week of pickup; and

(e) 1. Pickup shall be done once per street per scheduled pickup week.

2. Any leaf and limb placed on the roadside after a street has been cleaned shall be the responsibility of the property owner to clear immediately.

(C) Camp fires and fires solely for outdoor cooking and other recreational purposes, or for ceremonial occasions, or for human warmth and comfort and do not use synthetic materials or refuse or salvageable materials for fuel are permitted; provided that the fires are not of the size, character or intensity as to be a danger to surrounding properties, and do not create a nuisance, in accordance with North Carolina Administrative Code, Title 15A, Chapter 2D, § 1903, paragraph (b).

(D) All other open burning for the disposal of material generated as a result of a natural disaster, such as tornado, hurricane, or flood or for any other purpose shall be in accord with the regulations as set forth in the North Carolina Administrative Code, Title 15A, Chapter 2D, § 1903.

(E) All trees, stumps, brush and other vegetation resulting from the clearing of land for roads, houses and other buildings shall not be burned or buried in the town but shall be removed from the town and properly disposed.

(Prior Code, Ch. 4, Art. IV) Penalty, see § 1.01.999

§ 9.02.031 TRASH CONTAINERS AT BUILDING SITES.

All contractors, builders and other persons engaging in the construction, rebuilding or major renovation of new or existing structures within the town limits shall:

(A) Ensure that there is some type of container available at the site in which to deposit and contain the trash, scraps and other waste materials generated by the work in progress;

(B) Empty containers as required to ensure that none of the contents can overflow or blow onto the property on which the container is located or onto adjacent properties; and

(C) Ensure that all waste items are placed into the proper containers at the end of each work day.

(Prior Code, Ch. 4, Art. IV) Penalty, see § 1.01.999

§ 9.02.032 TOILETS REQUIRED AT BUILDING SITES.

All persons engaging in the construction, rebuilding or major renovation of new or existing structures within the town limits, where there are no existing toilet facilities at the location for use by workers, will provide a portable toilet. Adjoining sites may utilize the same portable toilet.

(Prior Code, Ch. 4, Art. IV) Penalty, see § 1.01.999

STORAGE AND DISPOSAL OF SOLID WASTES

§ 9.02.045 PROPERTY OWNERS TO PROVIDE WASTE RECEPTACLES.

The owner, occupant or lessee of every premise shall be responsible for providing adequate solid waste receptacles to store the solid wastes or scrap materials generated by activities taking place on those premises while awaiting disposal. The receptacles shall be constructed in a manner so as to prevent spillage of the wastes.

(Prior Code, Ch. 4, Art. V) Penalty, see § 1.01.999

§ 9.02.046 STORAGE AND DISPOSAL PRACTICES.

Amended 01/15/2009

Pending disposal of waste materials, excluding yard waste accumulated for the leaf and limb pickup and/or materials for ongoing construction/renovation/demolition, in an authorized landfill, property owners, occupants or lessees may store waste and scrap materials provided the materials and/or waste receptacles:

(A) Shall not accumulate on or about the premises so as to constitute a health hazard or public nuisance, cause disagreeable odors or present an unsightly picture to the neighboring properties;

(B) Are stored in enclosed receptacles;

(C) Are screened by shrubbery or fence which will block the materials/receptacles from view when observed from the adjoining property, streets, golf course and waterways and shall be located only in the side or rear yard;

(D) Are stored out of view between collections and are not put out for pickup earlier than 1 day before the scheduled day of pickup; and

(E) Empty waste receptacles are promptly (within 24 hours) removed from the curb after pickup.

(Prior Code, Ch. 4, Art. V) Penalty, see § 1.01.999

FATS, OILS AND GREASE CONTROL

§ 9.02.055 SCOPE AND PURPOSE.

To aid in the prevention of sanitary sewer blockages and obstructions from contribution and accumulation of fats, oils, and greases into the sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

§ 9.02.056 DEFINITIONS.

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

COOKING ESTABLISHMENTS. Those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use 1 or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.

FATS, OILS, AND GREASES. Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease” or “greases”.

GREASE TRAP OR INTERCEPTOR. A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settle-able solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. ***GREASE TRAPS AND INTERCEPTORS*** are sometimes referred to herein as “grease interceptors”.

MINIMUM DESIGN CAPABILITY. The design features of a grease interceptor and its ability or volume required to effectively intercept and retain greases from grease-laden wastewaters discharged to the public sanitary sewer.

NON-COOKING ESTABLISHMENTS. Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold

dairy and frozen foodstuffs preparation and serving establishments.

USER. Any person, including those located outside the jurisdictional limits of the town, who contributes, causes or permits the contribution or discharge of wastewater into the publicly owned treatment works (POTW,) including persons who contribute the wastewater from mobile sources, such as those who discharge hauled wastewater.

§ 9.02.057 GREASE INTERCEPTOR MAINTENANCE, RECORD KEEPING, AND GREASE REMOVAL.

(A) Grease interceptors shall be installed by users as required by the Water Resources Superintendent or his designee. Grease interceptors shall be installed at the user's expense, when the user operates a cooking establishment. Grease interceptors may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when they are deemed necessary by the Superintendent for the proper handling of liquid wastes containing grease. No user shall allow wastewater discharge concentration from subject grease interceptor to exceed 325 milligrams per liter, as identified by method EPA Method 1664 or 275 milligrams per liter, as identified by EPA Method 413. All grease interceptors shall be of a type, design, and capacity approved by the Superintendent or his designee and shall be readily and easily accessible for user cleaning and town inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume of the grease interceptor, but not less often than every 30 days. Users who are required to pass water through a grease interceptor shall:

(1) Provide for a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing Code fixture criteria, between the influent and effluent baffles with 20% of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as a “sludge pocket”.

(2) Remove any accumulated grease cap and sludge pocket as required, but at intervals of not longer than 30 days at the users expense. Grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, and the like, which could settle into this pocket and thereby reduce the effective volume of the grease interceptor.

(3) Accept the following conditions: if any skimmed or pumped wastes or other materials removed from the grease interceptor are treated in any fashion onsite and reintroduced back into the grease interceptor as an activity of and after the onsite treatment, the user shall be responsible for the attainment of established grease numerical limit consistent with and contained in (C)(1) on all discharges of wastewater from the grease interceptor into the town sanitary sewer collection and treatment system.

(4) Operate the grease interceptor in a manner so as to maintain the device such that attainment of the grease limit is consistently achieved. “Consistent” shall mean any wastewater sample taken from the grease interceptor shall be subject to terms of numerical limit attainment described in (C)(1). If an establishment desires, because of documented space constraints, an alternate to an out-of-building grease interceptor, the request for an alternative location shall contain the following information:

(a) Location of town sewer main and easement in relation to available exterior space

outside building.

(b) Existing plumbing at or in a site that uses common plumbing for all services at that site.

(5) Understand and agree that the use of biological additives as a grease degradation agent is conditionally permissible, upon prior written approval by the Superintendent. Any establishment using this method of grease abatement shall maintain the trap or interceptor in such a manner that attainment of the grease wastewater discharge limit, as measured from the trap's outlet, is consistently achieved.

(6) Understand and agree that the use of automatic grease removal systems is conditionally permissible, upon prior written approval by the Superintendent and the Craven County Department of Health. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.

(7) Understand and agree that the Superintendent reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site and building plan review and to require repairs to, or modification or replacement of such traps.

(B) The user shall maintain a written record of trap maintenance for 3 years. All records will be available for inspection by the town at all times.

(C) No non-grease-laden sources are allowed to be connected to sewer lines intended for grease interceptor service.

(D) Except as provided herein, for a period of 1 year following adoption of this subchapter, although installation of grease interceptors will be required to be installed, no enforcement actions will be taken under this subchapter for failure to achieve limits on grease discharges from grease interceptors. If, during this 1-year period, an obstruction of a town sewer main(s) occurs that causes a sewer overflow to the extent that an impact on the environment is realized and that the overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease in the town's sewer main(s), the town will take appropriate enforcement actions, as stipulated in the town's industrial pretreatment enforcement plan and sewer use ordinance, against the generator or contributor of such grease.

(E) Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.

COMPLAINT PROCEDURE

§ 9.02.060 FILING COMPLAINTS.

The Town Manager or designee shall, upon receipt of notice from any person of the possible existence of any of the public nuisances defined above, cause an inspection to be made by a police officer to determine whether a nuisance exists.

(Prior Code, Ch. 4, Art. VI)

§ 9.02.061 ABATEMENT PROCEDURE.*(A) Written notice to abate; service.*

(1) Upon a determination by the Town Manager, or his designee, that the conditions constituting a public nuisance exist, the Town Manager, or his designee, shall cause a written notice to be served on the property owner, lessee, occupant or person in charge of any lot or parcel of land, reciting in the notice the conditions that exist with respect to the lot which constitute the same a public nuisance, which notice shall order the prompt abatement of the nuisance within 15 days from the receipt of the notice. If the notice cannot be personally given because of the absence from the state of the person to be served, the notice may be given by causing to be published in a newspaper, published in town, 1 time. The notice shall describe the lot or property sufficiently to identify it and shall describe the conditions which constitute a public nuisance and shall state the time within which the nuisance must be abated. In addition to the method of service set out above, the notice may be served utilizing any method authorized for service of summons in Rule 4 of the North Carolina Rules of Civil Procedure.

(2) If the condition to which the notice refers shall include excessive and uncontrolled growth of grasses, weeds, underbrush, and other growths, then, and in that event, the notice may advise the person to whom it is directed that, if he does not correct the condition, the town may do so as often as is necessary to abate the problem during the current growing season.

(3) Subject to division (A)(4) below, if the condition to which the notice refers relates to an abandoned motor vehicle, a junked motor vehicle, the procedure for removal and/or disposal shall be as set forth in G.S. §§ 160A-303, 160A-303.1 and 160A-303.2, or as may be thereafter amended. In this circumstance, the procedure in division (A)(1) above shall not apply.

(4) The provisions for the removal of an abandoned motor vehicle and a junked motor vehicle shall not apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(5) Citations to an association where the nuisance is located on the common property be delivered to the person or persons designated to act for the association.

(6) A public nuisance may be removed without giving the minimum 15 days prior notice in those circumstances where the authorizing official finds, and enters the finding in appropriate records, a special need for prompt action to maintain the public health, safety and welfare.

(B) Abatement by town; lien for costs, collection. If the owner, lessee, or other person in charge of the lot or parcel of land shall fail or refuse to comply with the order embodied in the notice served pursuant to this chapter, then, and in that event, the town, through its authorized agents and employees, shall enter upon the lot or parcel of land and abate the nuisance identified in the notice. The actual cost of all labor, trucks, mowers, machines, and implements used by the town to abate the nuisance shall be calculated by the Department of Public Works and shall immediately be and constitute a lien against the subject property.

(C) Individual request for abatement by town. Any person who has been directed to abate a public nuisance may, within the time allowed by this chapter, request the town, in writing, to abate the nuisance upon the individual's agreement to pay the costs thereof, and the town may do so, at the sole discretion of the Town Manager, if it is deemed advisable.

(D) *Administrative fee.* The actual cost to the town for abating the nuisance, shall include the cost of service of the notice to abate, and a reasonable administrative fee as set forth in the annually adopted schedule of rates and fees. *Amended 4/18/2013*

(E) *Procedures under this chapter not exclusive.* The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the town from proceeding in a criminal action against any person violating the provisions hereof, as provided in G.S. § 14-4.

(F) *Appeal.* Should a property owner disagree with any ruling made by the Town Manager, the property owner may appeal the decision at a hearing before the Town Council at a Town Council meeting. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in those hearings.

(G) *Cost of remedying public nuisance.* The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land. It shall be the duty of the Tax Collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

(H) *Lien on property.* In the event that any charges for a removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in this chapter, the 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 G.S. § 160A-193.
(Prior Code, Ch. 4, Art. VI) Penalty, see § 1.01.999