

## 📖 CHAPTER 94: GENERAL NUISANCES

---

### Section

- [94.01](#) Certain conditions declared nuisances
- [94.02](#) Investigation of complaints
- [94.03](#) Notice and order to abate
- [94.04](#) Abatement by county
- [94.05](#) Annual notice to chronic violators of public nuisance ordinance
  
- [94.99](#) Penalty

### 📖 § 94.01 CERTAIN CONDITIONS DECLARED NUISANCES.

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) *Growth of weeds and grass.* The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety. In no event may the grass or weeds on any portion of a lot which is not used for active farming or woodlands, located within 500 feet of a residential dwelling unit exceed the height of 12 inches. This height limitation shall exclude that portion of a property that is actively engaged in farming or woodlands.

(B) *Accumulations of animal or vegetable matter.* 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.

(C) *Accumulations of rubbish, and the like.* Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, 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) *Conditions violating health department rules.* Any condition detrimental to the public health which violates the rules and regulations of the county health department.

(E) *Burned or partially burned buildings and structures.* 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 county building official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(F) *Storm or erosion damaged structures and resulting debris.* The existence of any of the following conditions associated with storm- or erosion-damaged structures or their resultant debris shall constitute a public nuisance:

- (1) Damaged structure in danger of collapsing;

(2) Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury; and

(3) Any structure, regardless of condition, or any debris from damaged structure which is located in whole or in part in a public trust area or public land.

(G) *Structurally deteriorated, or storm damaged automobile service station canopies.* Any automobile service station canopy with loose, unanchored, or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles, or deterioration.

(H) *Miscellaneous.* Any other condition that is specified as a nuisance in the county's ordinances.

(Ord. 2003-05-01, passed 5-19-03)

#### **§ 94.02 INVESTIGATION OF COMPLAINTS.**

The County Manager, upon notice from any person of the existence of any of the conditions described in § [94.01](#), shall cause to be made, by the appropriate county health department official or county official, such investigation as may be necessary to determine whether such conditions exist as to constitute a public nuisance as declared in § [94.01](#).

(Ord. 2003-05-01, passed 5-19-03)

#### **§ 94.03 NOTICE AND ORDER TO ABATE.**

(A) Upon a determination that conditions constituting a public nuisance exist, the County Manager, or County Manager's designee, shall notify, in writing, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice. Receipt shall be deemed to occur on the third day after the date of the postmark if the notice is deposited in a United States Post Office.

(B) Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions which result in the declaration of a public nuisance. Without limitation the County Manager, or the County Manager's designee, in ordering the abatement of a public nuisance, may require the removal of debris, rubbish, accumulations of animal or vegetable matter, growth of weeds and grass, burned or partially burned buildings, the isolation of the condition to be abated so that access cannot be gained by persons or property which may be injured by the nuisance or such other steps which are reasonably necessary to abate the nuisance.

(Ord. 2003-05-01, passed 5-19-03)

#### **§ 94.04 ABATEMENT BY COUNTY.**

(A) If any person, having been ordered to abate a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order given pursuant to § 94.03, the County Manager, or County Manager's designee, shall cause such condition to be removed or otherwise remedied by having employees of the county or independent contractors go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the County Manager.

(B) Any person who has been ordered to abate a public nuisance may, within the time allowed by this chapter, request the county in writing to remove such condition, the cost of which shall be paid by the person making such request.

(C) In the event a local contractor cannot be obtained after a reasonable effort, the County Manager shall be authorized to obtain the services of a contractor outside the immediate local area, and the costs thereof shall be deemed to be reasonable.

(Ord. 2003-05-01, passed 5-19-03) [Penalty, see § 94.99](#)

#### **§ 94.05 ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE ORDINANCE.**

Under the provisions of G.S. § 153A-140.2, effective October 1, 2009, the county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which 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 notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

(Ord. 2003-05-01, passed 5-19-03; Am. Ord. 2009-09-02, passed 9-8-09)

#### **§ 94.99 PENALTY.**

Violations of the provisions of this chapter or failure to comply with any of its requirements shall constitute a Class 3 misdemeanor, punishable by a fine of up to \$500 as provided in G.S. § 14-4.

(Ord. 2004-04-01, passed 5-3-04)