

CONTROL OF LITTERING, NOXIOUS GROWTH AND UNPERMITTED JUNKYARDS

Dumping or Littering on Public or Private Property

No person may place or discard any solid wastes on:

- (a) Any public street or sidewalk within the town or on any property owned or operated by the town or any other public property, except in properly designated receptacles; or
- (b) Any property without the consent of the owner, occupant, or lessee thereof. (Note: N.C.G.S. § 14-399 makes the acts prohibited in this section a misdemeanor, punishable by a fine of not more than \$200.00).

Preventing Refuse on Right-of-Way

- (a) It shall be the duty of owners and occupants of real property within the town limits to prevent the accumulation of trash, limbs, rubbish and debris, particularly any accumulation of flammable wastes, from any roadway right-of-way abutting their property. Any occupant or owner of real property who fails to remove any such hazards within five (5) days after notice thereof by the town shall be in violation of this ordinance whereupon the town may correct the situation by removal of the hazard with the cost of such removal being assessed against the owner or occupant of the abutting property.
- (b) Any person, firm or corporation violating the provisions of this ordinance, shall upon conviction be guilty of a misdemeanor.

Excessive Accumulations of Junk, Solid Waste and Refuse

- (a) The open storage of junk, solid waste, and refuse in the public view shall not be permitted. When in the public view all junk, solid waste and refuse shall be stored in an appropriate container.
- (b) In the interest of the health and safety of the community, excessive accumulations of junk, solid waste and other refuse shall not be permitted to be stored in private property, regardless of the method or length of storage.
- (c) The owner of a property that is in violation of this ordinance shall be notified by first class mail of the violation of this subsection of the ordinance. The property owner will have a maximum ten days from the date postmarked on the notification to correct the violation.
- (d) A civil penalty of \$25.00 for the first day and \$10.00 for each subsequent day may be assessed for the violation of the provisions of this subsection of the ordinance.
- (e) The town may, upon excessive delay in correcting the violation, remove the offending junk, solid waste or refuse at the owner's expense. In such cases the owner must pay all costs associated with correcting the violation in addition to any assessed civil penalties.
- (f) Junk, solid waste and refuse shall be defined as any object, thing, matter or substance that appears to a reasonable person to be of no economic value or worth. This shall include accumulations of rubbish and household waste that are normally stored for a short period of time before being picked up by a regularly schedule solid waste collection service, including but not limited to such service provided by the town. This definition shall also apply to accumulations of motor vehicles, construction debris, machinery, appliances, paper, metal, rubber, rags, glass, wrecked, used or dismantled products, tires or any other objects that are in such a condition that they do not function properly, or would appear to a reasonable person to be of no value.
- (g) The provisions of this subsection of the ordinance shall not apply to accumulations of junk, solid waste or refuse reasonably related to the operation of a farm, as that term is defined by the Zoning Ordinance of Davidson County in effect on the date of adoption hereof.

Noxious Growth

- (a) No person may permit on premises under his control any growth of weeds, grasses, or other plants or bushes that becomes or threatens to become a fire hazard or a harboring place for rats, mice, snakes, or other vermin or otherwise poses a danger to public health or safety.
- (b) The existence of grass or weeds that exceed the height of twelve (12) inches over a large portion of the property shall be prima facie evidence of violation of this ordinance. If multiple adjacent parcels under singular ownership are found to be in violation of this ordinance, then each parcel shall be counted as an individual violation.
- (c) Undeveloped parcels of one acre or smaller and adjacent to improved property shall be cut in their entirety at least three times per year, as required during the mowing season of April through September (wooded lots exempt).
- (d) Undeveloped parcels larger than one acre and adjacent to improved property shall be cut within 100 feet of such improved property and shall be cut at least three times per year, as required during the mowing season of April through September (wooded lots exempt).
- (e) This subsection of the ordinance shall not apply to a farm, as that term is defined by the Zoning Ordinance of Davidson County in effect on the date of adoption hereof. Further, this subsection of the ordinance shall not apply to the bona fide raising of hay or other plants as animal fodder.
- (f) The owner of a property that is in violation of this ordinance shall be notified by first class mail of the violation of this ordinance. The property owner will have a maximum of ten (10) days from the date postmarked on the notification to correct the violation.
- (g) The Town of Midway may, upon excessive delay in correcting the violation, contract with a private firm to correct the violation. In such a circumstance the owner of the property will be responsible for paying the costs associated with correcting the violation in addition to an administrative fee. A late fee will be applied to the total if the bill for such work has not been paid after thirty (30) days of receipt.
- (h) In addition to any other penalty or fee allowed by law and this ordinance, the town may impose a civil penalty of \$100.00 upon in subsequent violations involving the same parcel, owner, and mowing season.