

ORDINANCE NO. 18-05
NOXIOUS GROWTH PROHIBITED

§_.02 APPLICABILITY

(A) This Chapter does not apply to structures or conditions which are reasonably related to the operation of a bona fide farm, as that term is defined by the Town's Zoning Ordinance in effect at the time of the inspection. Further, this subsection of the ordinance shall not apply to the bona fide raising of hay or other plants as animal fodder.

(B) 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).

(C) 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).

(D) The provisions of this Chapter are in addition to, and not in lieu of, any of the Town's rights and remedies by ordinance, statute, by rule, at law, or at equity, including but not limited to the provisions of N.C.G.S. § 19-1 et seq.; N.C.G.S. § 160A-174; N.C.G.S. § 160A-193; N.C.G.S. § 160A-303.2; N.C.G.S. § 160A-426, et seq.; N.C.G.S. § 160A-439; and N.C.G.S. § 160A-441.

§_.03 PUBLIC NUISANCES.

The existence of any of the following conditions on any vacant lot or other parcel of land within the municipal limits of the Town is hereby declared to be dangerous and prejudicial to the public health, safety, or welfare and to constitute a public nuisance.

(A) The uncontrolled growth of grass, plant material, or noxious weeds on any residential, business or vacant lot, on the average, to a height in excess of 12 inches or which attracts or is likely to attract mosquitoes, rats, mice, snakes, or vermin of any kind.

§_.04 COMPLAINT AND INVESTIGATION, NOTICE OF ABATEMENT.

(A) Whenever it appears to a designated enforcement officer that there may exist a nuisance as provided in this ordinance, or when a designated enforcement officer receives a complaint of same, the officer shall undertake a preliminary investigation

(B) Upon determination that conditions constituting a public nuisance exist, the Town shall notify the owner(s) of the premises, in writing, of the specific violations and order abatement of the nuisances specified in the notice within 10 days from the postmark of such written notice. Written notices to property owners stating abatement findings and orders shall be sent by first class mail to the owner(s) of record as listed by the Davidson County Tax Assessor.

§ .05 APPEALS.

(A) At any time before expiration of the 10-day abatement period, the property owner may request a hearing before the Town Manager to appeal the finding of the investigator that a public nuisance exists. The Town Manager shall consider the evidence presented at such hearing and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order.

(B) Any request for a hearing must be in writing and delivered to the Town Clerk at Town Hall and must be received by the town prior to the expiration of the 10-day abatement period. Failure to deliver the request for a hearing such that it is timely received by the Town shall be considered a waiver of the owner's(s') right to appeal and the initial abatement order shall be deemed a final abatement order. The Town Manager shall fix a time for a hearing and the initial abatement order shall be temporarily suspended pending such hearing. The Town Manager will provide written notice of the hearing to the requesting party(ies) not later than 7 days prior to the date set for the hearing. The hearing must be held by the Town Manager within 30 days following timely receipt of the request for such hearing and will be conducted in the Town Hall. At the hearing, the owner(s) shall be given the opportunity to present evidence to refute the findings which supported the initial abatement order or the removal of the nuisance condition. The Town Manager shall issue a written decision of the appeal not later than 5 business days following the conclusion of the hearing. Notice of the written decision shall be provided in the manner set out in Section .04(B).

§ .06 FAILURE TO COMPLY; ABATEMENT BY TOWN.

(A) If the owner(s) of the premises fails, neglects, or refuses to abate the conditions constituting the nuisance, as set out in the abatement order, within the 10 day abatement period, and if an appeal has not been timely requested, the Town Manager may have the conditions abated by either Town employees or by a contractor under the supervision of the Town. Under this chapter, Town employees or a contractor under the supervision of the Town shall have the authority to enter said premises for the express and sole purpose of abating the public nuisance identified in the abatement order.

§ .07 OWNER LIABLE FOR COSTS; CHARGES BECOME A LIEN.

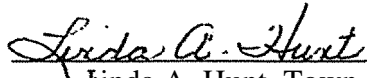
(A) The property owner will be liable for all costs incurred by the Town for abatement actions pursuant to the immediately preceding section. Such costs may include an administrative fee not to exceed \$100.00 per abatement order issued. The Town Finance Officer shall send via first class mail a statement of such costs to the owner(s). Such costs shall be due and payable within 30 days from the date such statement is mailed.

(B) All costs incurred by the Town in connection with the abatement of a nuisance shall be a lien upon the land or premises where the nuisance occurred. Such shall have a lien priority in the nature of ad valorem taxes and may be collected in the same manner as unpaid ad valorem taxes. See N.C.G.S. §160A-193.

(C) All costs incurred by the Town in connection with the abatement of a nuisance is also a lien on any other real property owned by the person in default within the city limits or within one

mile of the city limits, except for the person's primary residence. Such lien is inferior to all prior liens and shall be collected as a money judgment. The lien in this subsection (C) shall not apply if the person in default can show that the nuisance was created solely by the actions of another, See N.C.G.S. § 160A-193.

ADOPTED the 17th day of July, 2017.



Linda A. Hunt, Town Clerk

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