



**AN ORDINANCE AMENDING THE NUISANCE ORDINANCE OF THE TOWN**

The Town of Stanley Council finds that the current Nuisance Ordinance which is found in Chapter 95 of the Code of Ordinances is deficient in many respects, and that it would be advisable to replace Chapter 95 in its entirety.

Therefore, be it enacted that Chapter 95: Nuisances is hereby repealed and is hereby replaced with the following Chapter 95: Nuisances as set forth on Exhibit A.

See Exhibit A.

This Ordinance shall be effective February 6, 2017.

**ADOPTED** this 6<sup>th</sup> day of February, 2017.

TOWN OF STANLEY

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Andrew Quinley, Mayor

ATTEST:

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Catherine Greder, Town Clerk

(seal)

## Chapter 95: NUISANCES

### Accumulation of Solid Waste and Refuse of Overgrown Weeds

#### S. 95.01 DEFINITIONS

95.02 Accumulation of solid waste and weeds

95.03 Investigation of nuisance

95.04 Hearing

95.05 Abatement of nuisance

95.99 Penalty

#### 95.01 DEFINITIONS

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

**SOLID WASTES.** All useless, unwanted, or discarded nongaseous and non-liquid materials resulting from domestic, industrial, commercial, or community activities, and all matter that is or may become, a material public annoyance, inconvenience or discomfort detrimental to the enjoyment of property.

**WEEDS AND RANK VEGETATION.** Includes poison ivy, kudzu, plants of obnoxious odors, and grasses causing hay fever, those that serve as a breeding ground for mosquitoes or other disease-carrying creatures or as a refuge for snakes and rodents or any growth that creates a fire or traffic hazard or a nuisance due to unsightliness.

#### S. 95.02 ACCUMULATIONS OF SOLID WASTE OR WEEDS

(A) Its shall be unlawful for any person or property owner to maintain or permit to be maintained on any lot , including vacant lots or land except within a completely enclosed structure, any grass, weeds, undergrowth over eight (8) inches in height, trash, garbage, offal, stagnant water, building materials, glass, wood, household appliances tools, inoperative lawn care equipment, broken, inoperative, or discarded furniture or other household equipment, packing boxes, discarded clothing, junk metal, automobile parts, tires, inoperative boats, motorized machinery or equipment or other matter deleterious to good health and public sanitation which is permitted or is caused to accumulate in any manner which is a violation of any state or federal law, or the rules and regulations of the county Health Department, or is or may become a nuisance or cause injury to the health or welfare of the residents or the members of the general public in the vicinity of cause injury to the neighboring property. When any violation of this section (A) or sections (B), (C), or (D) below is detected, the Town Manager or his

designated representative, after notification to the property owner requiring correction, may proceed to have the violation/condition corrected. Any costs incurred in correction of such violations, together with Administrative Costs shall either be paid by the property owner, or such costs will be included and collected as property taxes by Gaston County.

(B) It shall be unlawful for any person or property owner, to maintain or permit to be maintained, kudzu, honeysuckle, ivy, or any other woody or vine-type plant upon any lot, including a vacant lot or land, when such a plant grows beyond the bounds of said lot so as to be entwined in fences, buildings, trees, public utilities, or unto any other property.

(C) Every owner or person in possession of a vacant lot shall cut down to within eight (8) inches of the ground said vegetation plant growth in (B above) at least twice in each calendar year, once before May 1 and once before October 1, for the purpose of controlling excessive growth of grass, weeds, undergrowth, and rank vegetation.

(D) The emission of effluence of noxious or offensive particulate matter, dust, sludge, or other materials or substances which tend to pollute or contaminate land, water, or air, rendering or tending to render it injurious to human health, habitation, or welfare, to animal or plant life or to property, or interfering or tending to interfere with the enjoyment of life or property is prohibited; provided that this division shall be considered consistent with and supplementary to, and not in conflict with, applicable state, federal or county laws and regulations. (Ord. passed 11-6-95) Penalty, see Sec. 95.00

### **95.03 INVESTIGATION OF NUISANCE**

The Town Manager, upon notice from any of the possible existence of any of the conditions described herein, shall cause to be made by the appropriated county Health Department official, or town Zoning Administrator/Housing Inspector, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in Sec. 95.02. (Ord. passed 11-6-95)

### **95.04 ABATEMENT OF NUISANCE**

(A) **Notification.** If a determination is then made that such conditions are in violation or constituting a public nuisance, the Town Manager or his designee shall notify, in writing, the owner of the lot in question of the conditions which are in violation or which constitute such public nuisance and shall order the prompt abatement and correction of any violation within 10 days of notification of the condition.

(B) **Failure to abate nuisance or correct violations.** If the owner, having been ordered to abate or correct nuisances or violations within 10 days of notification of same, the Town Manager may cause the nuisance or violations to be corrected by mowing, clearance, towing or removal as ordered in the original notification. Corrective actions performed by the Town may utilize members of the Town staff and/or private contractors as deemed necessary by the Town Manager.

(C) **Costs.** The total costs incurred by the town in removing, contracting to remove, or otherwise remedying a public nuisance or violation, including an Administrative Charge set by the Town

Manager, shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Town Clerk to mail a statement of such charges to the owner or person in possession of such lot with instructions that such charges are due and payable within 30 days from the receipt thereof.

(D) **Nonpayment.** In any case in which such costs are imposed under this Ordinance and not paid within 30 days, such charges shall become a lien upon the land or lot where such nuisance or violation existed. The Town Clerk shall notify the Gaston County Tax Collector of the amount of such charges including any Administrative Charge, together with all information necessary for the County Tax Collector to include these charges in the property tax for that parcel in accordance with the “In Rem” process as allowed by North Carolina General Statutes.

(E) **Other remedies.** The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under the law for abatement of public nuisances and this chapter shall not prevent the institution of criminal charges against any person, firm, or corporation violating this chapter, as provided in G.S. Sec. 14-4. (Ord. passed 11-6-95) Penalty, see Sec. 95.9995.99 PENALTY

(A) Any violation of the provisions of this chapter may subject the offender to a civil penalty in an amount not to exceed \$50.00 per day, which may be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited by the appropriate town official for violation, as provided in G.S. 160-175(c).

(B) In addition to other available remedies, this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction and applied for by the town as provided in G.S. 160A-175 (d). (Ord. passed 11-6-95)