

CHAPTER 94: UNLAWFUL CONDITIONS ON PRIVATE PROPERTY

Section

94.01 Unlawful conditions enumerated

• 94.01 UNLAWFUL CONDITIONS ENUMERATED.

(A) The following enumerated and described conditions, or any combination thereof, are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

(1) Any weeds or other vegetation having an overall height of more than 18 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants;

(2) Any accumulation of trash and/or garbage which is the result of the absence of or overflowing of improperly closed trash or garbage containers;

(3) Accumulation in an open place of hazardous or toxic materials and chemicals;

(4) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;

(5) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health;

(6) 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;

(7) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items;

(8) Any condition detrimental to the public health which violates the rules and regulations of the Cleveland County Health Department;

(9) 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 Town Administrator or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;

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(10) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water;

(11) The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.

(B) When any condition in violation of this chapter is found to exist, the Code Enforcement Officer or such persons as may be designated by the Town Administrator, or the Town Administrator, himself or herself shall give notice to the owner of the premises to abate or remove such conditions within ten days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the city may proceed to correct the same as authorized by this chapter. Service of such notice shall be by any one of the following methods:

(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner;

(2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon. Notice to be sent by certified return receipt;

(3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by the methods described in (B)(1) and (B)(2);

(4) By publication in a local newspaper according to the North Carolina Rules of Civil Procedure.

(C) If the owner of any property fails to comply with a notice given pursuant to this chapter, within ten days after the service of such notice, he or she shall be subject to prosecution for violation of this chapter in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town Administrator may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

(D) The procedure 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, firm or corporation violating the provisions of this chapter as provided in G. S. ' 14-4. (Ord. 020903.1, passed 9-3-02)