

Stoneville, NC

Grass, Noxious Weeds and Similar Nuisances

§ 50.22 IN GENERAL

§ 50.22.1 Joint Liability for Violations

The owner, lessee, tenant or occupant or person managing any building or premises where there is any nuisance or any violation of any provision of this Code shall be jointly and severally liable; therefore, each of them may be required to abate the same or comply with the order of the Town Council within the time prescribed in such order.

§ 50.22.2 General Ordinance Making Power

The Town by ordinance defines, prohibits, regulates, or abates acts, omissions, or conditions, that are detrimental to the health, safety, or welfare of Town citizens and the peace and dignity of the Town, and may define and abate nuisances.

§ 50.23 NOXIOUS WEEDS AND SIMILAR NUISANCES

§ 50.23.1. Deemed Unlawful

It shall be unlawful for the owner or occupant of any lot or parcel of land in the Town to permit to exist on any such lot or parcel of land any condition which may be declared to be noxious, detrimental to health or to constitute a nuisance.

§ 50.23.2. Enumeration

The following enumerated and described conditions 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 same may exist and the creation, maintenance, or failure to abate such nuisances is hereby declared unlawful:

- a) Any condition which is a breeding ground or harbor for mosquitoes, harmful insects, rats, or other pests.
- b) Any place of dense/heavy growth of weeds, grass, vines, or other noxious vegetation over twelve (12) inches in height.
 - 1) Required:
 - a. That is within two hundred (200) feet of the property line of an inhabited residence or business firm.
 - b. A parcel consisting of adjacent vacant lots, under the same ownership, will be considered as one (1) lot.
 - c. Any person owning real property within the Town is hereby required to cut and remove the following from both the property and adjoining rights-of-way at all times:
 - 1. All weeds, grass, vines, and other noxious vegetation over twelve inches (12") in height.
 - 2. A place of growth of vines, shrubs, or other vegetation of any height when such condition is causing a breeding ground for rodents or is a focal point for any other nuisance enumerated in this section; and
 - 3. A place of growth of poison sumac, poison ivy, and poison oak of any height.

- 2) Exceptions:
- a. Active farming or agricultural uses.
 - b. Trees and ornamental shrubs, cultured plants, flowers
 - c. Growing and producing vegetable plants.
 - d. Ornamental grasses chosen for features like color and form, such as switch grass, pampas grass, fountain grass, and bamboo.
 - e. Lots exceeding one (1) acre in size, or a parcel with combined adjacent vacant lots exceeding one (1) acre in total size, or lots covered with trees:
 - 1. These lots shall be maintained to a depth of twenty (20) feet from the improved road surface for all dense growth and noxious vegetation where the main trunk, main stem, or main shaft is less than one (1) inch in thickness.
 - 2. If and only if the adjacent property is occupied by a dwelling or other structure, lots exceeding one (1) acre, vacant undeveloped lots, or lots covered with trees shall be maintained to a depth of twenty (20) feet from the side and rear property lines for all dense growth and noxious vegetation where the main trunk, main stem, or main shaft of vegetation is less than one (1) inch in thickness.
 - f. Natural landscape areas and wooded lots shall be allowed under the following conditions:
 - 1. Natural landscape areas and wooded lots shall be maintained and shall not harbor, create nor allow to exist any condition defined as a nuisance or determined by the code enforcement officer to be a condition which poses a health hazard for the general welfare of the public.
 - 2. Natural landscape vegetation shall not overhang into the public right-of-way nor into adjoining properties; and
 - 3. Natural landscape areas shall utilize borders to define the areas. Borders may consist of, but not be limited to, edging material, an edge of low plants, wood, timber, or stone or woodchips.
 - g. Those lands dedicated and accepted by the Town as floodplain and open space, which are established in order to preserve natural greenways and/or natural connecting networks along floodways, streams, and creeks.
- c) A man-made open place of collection of stagnant water where insects tend to breed.
- d) Any 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.
- e) An open place of collection of trash, refuse, discarded bottles, cans, medical supplies, garbage, food waste, animal waste or any other rotten or putrescible matter of any kind; however, nothing in this subsection shall be construed to prevent the generally accepted use of a properly maintained compost pile or storage of animal manure being used as fertilizer for lawns and gardens and for other agricultural or horticultural purposes.
- f) Privies. (Outdoor Toilets)
- g) Any products of any kind or nature openly kept which have rough or jagged edges of metal or glass.

- h) Any accumulation of rubbish, trash, old building materials 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 of mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to public health.
- i) Any condition detrimental to public health violates the rules and regulations of the County health department including the discharging of wastewater not directly into an approved wastewater system [15A NCAC 18A .1937(a)].
- j) Any concentration of building materials including concrete, steel or masonry which are not suitable for building construction, alterations, or repairs, and which are in open places.
- k) Any household or office furniture, appliances or other metal products of any kind kept in open places, or any indoor upholstered furniture kept outside in a location exposed to the weather.
 - 1) Appliances, which are designed for indoor use, stored outside, however, these appliances may be kept inside the primary structure or in accessory structures, designed to withstand the elements and have a roof, wall, and door(s).
 - 2) Household furniture, which is not designed to withstand the elements, stored outside, or placed on porches, decks, or landings, or in accessory structures, or in yards or any other area which provides a location where insects, rodents, or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the use of household furniture on a totally enclosed porch, designed to withstand the elements and have a roof, walls, screens, or glass windows.
- l) Any condition whereby any fence, sign, billboard, shrubbery, bush, tree, mailbox or other object or combination of objects which obstructs the view of motorists using any street, private driveway, or approach to any street intersection adjacent to and abutting such and so as to constitute a traffic hazard as a condition dangerous to public safety upon any such street, private driveway or at any such street intersection.
- m) Obstructions or vegetation in the public right-of-way which pose a danger to the general public.
- n) Any building, structure, fence or retaining wall declared to be unsafe by the Code Enforcement Officer and which is in danger of collapse, may fall and injure members of the public, or damage public or private property.
- o) Structures, remains of structures or lots with a condition that is detrimental, dangerous, or hazardous to public safety, health, and welfare. For purposes of the enforcement of this subsection, this shall be a condition, which consists of one (1), or more, of the following:
 - 1) Glass, metal, or other sharp objects in accessible areas.
 - 2) Unstable structures or trees which may fall or collapse.
 - 3) Holes, excavations, surviving foundations or walls that may collapse or create heights in excess of three (3) feet in areas where they may be scaled.
 - 4) Any substance which is hazardous or harmful to humans or pets.
 - 5) Any open or accessible utility lines such as natural gas, water, sewer, or electrical.
 - 6) Structures and remains of structures open to the elements, which are a danger to children, or tend to attract vagrants, or persons intent on criminal activities or other activities that would constitute a public nuisance; and

- 7) Structures ordered closed by Rockingham County Inspections Department or quasi-judicial authority which are reopened without cause or justification. Any owner of property, which is in non-compliance with this subsection, may enclose the portions of their property in violation with a secure fence of five (5) feet in height, which prevents the entry of humans until such time as the property is repaired to Code standards or demolished and is no longer in a detrimental, dangerous or hazardous state. Such enclosure shall be deemed in compliance with this subsection provided the enclosed nuisance condition does not and will not reach beyond the perimeter of the property.
- p) Any improper or inadequate drainage, as determined by the Code Enforcement Officer, Rockingham County Inspections Department or the Department of Environmental Quality on private property which causes flooding, interferes with the use of or endangers in any way the streets, sidewalks, parks, or other Town-owned property of any kind.
- q) Any condition, as determined by the Code Enforcement Officer, which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, swales, or drains, to the extent that standing water is created on the premises.
- r) Any stormwater retention or impoundment device (including backyard rain gardens) which is operating improperly, as determined by the Code Enforcement Officer.
- s) Any cistern or rain barrel collection system that is installed or maintained improperly and does not protect the public health and safety by becoming a public nuisance in accordance with G.S. 160A-202.
- t) Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than stormwater, unless associated with permitted activity, into a stormwater conveyance, the waters of the state or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state or any unlawful connection that allows the discharge of non-stormwater to the stormwater conveyance system or waters of the state.
- u) A condition which occurs when a tenant leaves a leased property either voluntarily or involuntarily (including but not limited to ejectment or other landlord removal action) and leaves or abandons trash, debris and property and the owner or property manager fails to remove the trash, debris or property from the leased property within 24 hours after the voluntary or involuntary removal of the tenant.
- v) Any place of growth of shrubs, trees or other vegetation that impedes public safety vehicle and firefighting equipment ingress and egress in the following locations that are utilized as public safety vehicle and firefighting equipment access routes and areas: private street easements, private drives, parking lots and/or drive isles, fire hydrant easements, designated fire lanes or other public vehicular areas.
- w) A condition which exists as the result of garbage, debris, refuse matter and recyclables located upon property which pose a public health nuisance or safety hazard.
- x) Hides, dried or green, provided the same may be kept when thoroughly cured and odorless.

- y) Any other condition declared to be dangerous or prejudicial to public health or public safety and a public nuisance by the Town Council.
- z) Any accumulation of fallen, dead trees, any accumulation of tree limbs or branches that have fallen or been cut and/or any accumulation of firewood or logs that are rotten or decayed, except in heavily wooded or undeveloped lots.

For the purpose of enforcement of this article, an open place is defined as an area of property or portion thereof that is open, including building openings of residential dwelling units that are open to the exterior, such as attached carports, or porches, and any other exterior portions of properties ordinarily exposed to public view.

For the purposes of this Ordinance, a lawn is defined as a plot of grass within the curtilage of a home, business, or other commercial building that is regularly tended and kept closely mowed. Curtilage is an area encompassing the grounds and buildings immediately surrounding a home, business, or other commercial building.

The natural conditions on lands dedicated to and/or accepted by the Town as natural stream corridors, wetlands, floodplain and/or open space which are established in order to preserve natural greenways, vegetative stream buffers, and/or natural connecting networks along floodways, streams and creeks are deemed and declared as exceptions for the purpose of enforcement of this Chapter.

§ 50.23.3. Notice to Abate

- a) Whenever it shall come to the attention of the Code Enforcement Officer that there exists on any lot or parcel of land in the Town any of the conditions enumerated in section 14.51.2, the Code Enforcement Officer shall forthwith give the owner a Notice to promptly abate such conditions within ten (10) calendar days from the date of such written notice (see section 14.51.3(b) below).
- b) The notice of violation letter:
 - 1) shall be delivered to the property owner indicating that the violation exists, and that the violation must be remedied within ten (10) days of the date of the letter.
 - 2) may be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity.
 - 3) shall be delivered by personal delivery, electronic delivery, or first-class mail.
 - 4) shall be posted in a conspicuous place on the property.
 - 5) shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:

§ 50.23.4. Penalty

- a) Any violation of this chapter or failure to abide by any lawful order issued pursuant to this chapter shall subject the offender to a civil penalty to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for violation of the ordinance.
- b) Civil penalties. At any time beyond the expiration of the ten (10) day warning period, a civil penalty letter:
 - 1) may be delivered to the property owner.

- 2) may be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity.
 - 3) shall be delivered by personal delivery, electronic delivery, or certified and first-class mail.
 - 4) shall be posted in a conspicuous place on the property.
 - 5) shall notify the offender that a daily civil penalty as stated in 14.51.4 b (5) is in effect beginning on the date of the notice and running up to and including the date the violation has been remedied.
 - (a) one hundred dollars (\$100.00) for the first offence,
 - (b) two hundred fifty dollars (\$250.00) for the second offence,
 - (c) five hundred dollars (\$500.00) for the third offence and thereafter (during the same calendar year) each day that the violation remains on the property is a separate violation.
- c) Civil Action. Should a violation continue to exist by the thirtieth (30th) day after the original notification, the Town may seek to recover the penalty together with all costs (including but not limited to administrative, postage, contractors, and abatement) by filing a civil action in the general court of justice in the nature of a suit to collect a debt and seeking appropriate injunctive relief to remedy the violation.
- d) Each day a violation continues shall be a separate and distinct offense.
- e) In addition to the penalties imposed under subsections (a) and (b) above, the provisions of this chapter may also be enforced through equitable remedies issued by a court of competent jurisdiction including injunction and order of abatement or any other remedy permitted under this Code or at law or equity.
- f) This chapter may be enforced by any one, all or a combination of the remedies authorized herein.

§ 50.23.5. Appeal

Within ten (10) days from receipt of the written notice of the determination, the period mentioned in section 14.51.3(a) and (b), the owner of the property where the nuisance exists may appeal the findings of the designated Town official by giving written notice of appeal with the reason for the appeal to the official who served the notice or the Town Clerk. An appeal stays the abatement of the nuisances or penalty until a final determination by the Governing Board.

§ 50.23.6. Abatement by Town; Performance

- a) 1) As an alternative to the enforcement procedures set forth in sections 14.51.3 and 14.51.4 above, the Town may choose to abate conditions constituting a nuisance. If any person, having been ordered by the Code Enforcement Officer to abate any nuisance or condition set forth in this chapter fails, neglects or refuses to abate or remove the nuisance or condition within specified days from the date of the notice to abate, and if an appeal has not been filed with the clerk within the ten (10) days as stated in 14.51.5 the Town Administrator or his/her designee may cause the nuisance or condition to be removed or otherwise remedied by contractors or employees of the Town to go upon the premises and remove or otherwise abate such nuisance or condition.
- Charges.* The property owner will be charged the cost to the Town for the clean-up or abatement plus a \$150 administrative fee.

- 2) If the costs and expenses to the Town of abating the violations are not paid within fourteen (14) days after a statement of such costs is delivered to the owner, lessee, or occupant of the land where

the violations occurred, the costs of the same shall be a lien upon such land or premises and shall be collected as unpaid taxes as provided in G.S. 160A-193. The statement:

- 1) shall be delivered by personal delivery, electronic delivery, or first-class mail; and
- 2) shall be posted in a conspicuous place on the property.

§ 50.23.7. Repeat Offenders, Chronic Violators

a) Repeat offense.

- 1) Any violation reoccurring on the same property by the same offender more than once within a twelve-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same section(s) of this article has previous offense(s).
- 2) A notice of violation letter:
 - a. shall be delivered to the property owner indicating that the violation exists, that it is a repeat violation, and that the violation must be remedied within five (5) days of the date of the letter.
 - b. may be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity.
 - c. shall be delivered by personal delivery, electronic delivery, or first-class mail.
 - d. shall be posted in a conspicuous place on the property.
 - e. shall state that upon expiration of the five (5) day warning period, the offender shall be subject to a civil penalty of:
 - one hundred dollars (\$100.00) for the first offence,
 - two hundred fifty dollars (\$250.00) for the second offence,
 - five hundred dollars (\$500.00) for the third offence and thereafter (during the same calendar year) each day that the violation remains on the property is a separate violation.

b) Annual notice to chronic violators of public nuisance or overgrown vegetation ordinance.

- 1) If the Town chooses to abate conditions constituting a nuisance itself, the Town may notify a chronic violator of this chapter that, if the violator's property is found to be in violation of this chapter, the Town may, 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.
- 2) The notice shall be sent by certified mail. When service is attempted by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.
- 3) A chronic violator is a person who owns property whereupon, in the previous calendar year, the Town gave notice of violation at least three (3) times under any provision of this chapter.