

CHAPTER 95: HEALTH AND SANITATION; NUISANCES

Section

General Provisions

- 95.01 Unlawful to violate county health regulations
- 95.02 Unlawful to interfere with health officer
- 95.03 Right of entry
- 95.04 Privies
- 95.05 Human waste
- 95.06 Stagnant water
- 95.07 Sale of food; eating establishments
- 95.08 Dumpsters

Weeds and Refuse

- 95.20 Uncontrolled growth of weeds and accumulation of refuse declared public nuisance
- 95.21 Complaint and investigation
- 95.22 Notice to abate nuisance
- 95.23 Hearing
- 95.24 Removal by town
- 95.25 Cost incurred by owner
- 95.26 Charges become a lien
- 95.27 Violations

GENERAL PROVISIONS

§ 95.01 UNLAWFUL TO VIOLATE COUNTY HEALTH REGULATIONS.

It shall be unlawful for any person, firm or corporation to violate any lawfully adopted rule or regulation of the County Board of Health. The enforcement of this section shall be under the supervision of the county health officer.

(1978 Code, § 8-5001) Penalty, see § 10.99

§ 95.02 UNLAWFUL TO INTERFERE WITH HEALTH OFFICER.

It shall be unlawful for any person to hinder, obstruct or delay the health officer or any of his assistants in the lawful discharge of their duties.
(1978 Code, § 8-5002) Penalty, see § 10.99

§ 95.03 RIGHT OF ENTRY.

With appropriate warrant or permission of the home owner, the county health officer or any of his assistants shall have the right to enter any premises at any reasonable hour for the purpose of making the inspections or investigations.
(1978 Code, § 8-5003)

§ 95.04 PRIVIES.

- (A) The word *PRIVY* as used in this section shall include any and every privy, septic tank, dry closet or other device for the receiving or disposal of human excrement.
- (B) It shall be the duty of the property owner or his authorized agent to provide, construct and maintain each and every sewer water closet, septic tank, or sanitary privy on premises owned or controlled by him in accordance with all applicable sanitary regulations. It shall be kept in a good state of repair and fly proof at all times.
- (C) It shall be unlawful for any person to use a privy set over a branch or drain of any kind.
- (D) Any privy, septic tank or other device used for the receiving or disposal of human excrement which fails to meet the requirements of any of the above provisions shall be declared a nuisance and the town reserves the right to cause to be made such alteration necessary to meet sanitary requirements.

(1978 Code, § 8-5004) Penalty, see § 10.99

§ 95.05 HUMAN WASTE.

No person shall urinate or deposit any human waste of any kind on any street, lot or premises except in approved sanitary facilities.
(1978 Code, § 8-5005)

§ 95.06 STAGNANT WATER.

No person or occupant of any property shall allow stagnant water to accumulate or remain in cellars or anywhere on their property.
(1978 Code, § 8-5006)

§ 95.07 SALE OF FOOD; EATING ESTABLISHMENTS.

All persons, firms, or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the North Carolina State Board of Health. (1978 Code, § 8-5007)

§ 95.08 DUMPSTERS.

Hotels, motels, inns and apartments or any other boarding establishments with 4 or more units must provide a dumpster for the collection of its refuse and must contract with a private firm to collect the refuse.

(1978 Code, § 8-5008)

WEEDS AND REFUSE

§ 95.20 UNCONTROLLED GROWTH OF WEEDS AND ACCUMULATION OF REFUSE DECLARED PUBLIC NUISANCE.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (A) The uncontrolled growth of noxious weeds or grass on a vacant non-wooded lot to a height in excess of 18 inches causing or threatening to cause a hazard detrimental to the public health or safety;
- (B) The uncontrolled growth of noxious weeds, grass or undergrowth within 20 feet of the property line of a developed lot, public street or sidewalk on a vacant wooded lot to a height in excess of 18 inches causing or threatening to cause a hazard detrimental to the public health or safety;
- (C) Any trees or shrubbery that shall interfere with or endanger the use of the public streets; interfere with or obstruct illumination of street lights; obscure sight distance or create a traffic hazard; interfere with the visibility of any traffic control device or sign; obstruct or impair the free passage of pedestrians on sidewalks; project into or overhang town sidewalks or other town or state right-of-way at a vertical clearance of less than 7 feet; or endanger the life, health, safety or property of the public;
- (D) Any accumulation of 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, or vermin of any kind which is or may be dangerous or prejudicial to the public health;

- (E) 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;
 - (F) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items;
 - (G) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.
- (1978 Code, § 8-4001) (Am. Ord. passed 9-9-1991)

§ 95.21 COMPLAINT AND INVESTIGATION.

The Town Clerk, upon notice from any person of the existence of any of the conditions described in § 95.20 shall cause to be made by the appropriate County Health Department official, Code Administrator or town official, such investigation as may be necessary to determine whether, in fact, such conditions exist as to constitute a public nuisance as declared in § 95.20.

(1978 Code, § 8-4002) (Am. Ord. passed 9-9-1991)

§ 95.22 NOTICE TO ABATE NUISANCE.

Upon a determination that such conditions constituting a public nuisance exist, the Code Administrator shall notify, by certified mail, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice.

(1978 Code, § 8-4003) (Am. Ord. passed 9-9-1991)

§ 95.23 HEARING.

Within 7 days from receipt of the notice provided for in § 95.22, the owner, occupant or person in possession of the premises may request a hearing before the County Health Department official or town official whose investigation and findings resulted in the initial abatement order. Upon request for hearing, the initial abatement order shall be suspended pending such hearing. The Code Administrator shall then cause to be delivered or mailed to the owner of the property upon which the conditions exist a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Code Administrator at a place therein fixed, not less than 10 nor more than 30 days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

(1978 Code, § 8-4004) (Am. Ord, passed 9-9-1991)

§ 95.24 REMOVAL BY TOWN.

Upon the occurrence of either of the following conditions :

- (1) A hearing is requested and held under § 95.23 resulting in either a final order with modifications or the reinstatement of the initial order as a final order, and such order is not complied with; or
- (2) No hearing is requested or held, and the person having been ordered to abate such a public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order;

Then, the town shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the town. Any person who has been finally ordered to abate a public nuisance may within the time allowed by this subchapter request the town in writing to remove such condition, the cost of which shall be paid by the person making such request,

(1978 Code, § 8-4005) (Am. Ord. passed 9-9-1991)

§ 95.25 COST INCURRED BY OWNER.

The actual cost incurred by the town in removing or otherwise remedying a public nuisance 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 other person in possession of such premises with instructions that such charges are due and payable within 30 days from the receipt thereof.

(1978 Code, § 8-4006) (Am. Ord. passed 9-9-1991)

§ 95.26 CHARGES BECOME A LIEN.

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in § 95.24, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(1978 Code, § 8-4007) (Am. Ord. passed 9-9-1991)

§ 95.27 VIOLATIONS.

In addition to other available remedies, any violation of the provisions of this subchapter may subject the offender to a civil penalty in the amount of \$10 per day, which may be recovered by the town in a civil action in the nature of debt if the offender does not pay any levied penalty or deficiency within 30 days after he has been cited by the Town Clerk.

(1978 Code, § 8-4008) (Am. Ord. passed 9-9-1991)