

## CHAPTER 83: NUISANCES

### Weed Control

- 83.20 Keeping down weeds
- 83.21 Cutting and removing noxious weeds
- 83.22 Notice to owner to cut noxious weeds
- 83.23 Procedure when owner fails to comply
- 83.24 Imposition of lien on property

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#### Statutory reference:

Abatement of public health nuisances, see G.S. 160A-193

### 83.1 NUISANCE CONDITIONS

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) Any limbs, foliage, or any other portion of any tree, shrubbery, or plants which are allowed to grow in such a manner as to obstruct a motorist using any public right-of-way. This provision shall apply to all property within the town and shall to any growth on said property, including trees, shrubbery, grass, crops, or other vegetation. (Ord., passed 7-11-77)
- (B) 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 or safety. (August 6, 2014)
- (C) 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 or safety. (August 6, 2014)
- (D) The use of carports, open porches, decks, open garages and other outdoor areas that are visible to streets or other public areas as a storage or collection place for boxes, appliances, furniture (but not including typical outdoor or yard furniture), tools, equipment, junk, garbage, old, worn out, broken or discarded machinery and equipment, cans, containers, cardboard containers, household goods or any similar condition that increases the likelihood of a fire; may conceal dangerous conditions, may be a breeding place or habitat for mice, rats or other pests; or create an unattractive condition or visually blighted property (January 4, 2017)

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- (E) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture (not intended for outdoor use by the manufacturer) on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks shall be prohibited. January 4, 2017)
- (F) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

### 83.2 INVESTIGATION

The Code Enforcement Officer (August 6, 2014), upon notice from any person of the possible existence of any of the conditions described in 83.01, shall conduct such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in 83.01. (September 3, 2014)

### 83.3 NOTICE OF VIOLATION; HEARING

If it appears that such conditions exist, the Code Enforcement Officer (August 6, 2014) shall 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 Enforcement Officer (August 6, 2014) 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 at the place and time fixed in the notice. Any person desiring to do so may attend such hearing 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.

### 83.4 NOTICE TO ABATE

If a determination is made that such conditions constituting a public nuisance exist, the Code Enforcement Officer (August 6, 2014) shall notify, in writing, the owner 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.

### 83.5 ABATEMENT BY TOWN

If the owner, 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, the Code Enforcement Officer (August 6, 2014) 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 the nuisance under the supervision of an officer or employee designated by the Code

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Enforcement Officer. (August 6, 2014) Any person who has been 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 the request.

### 83.6 COSTS OF ABATEMENT; LIEN

- (A) 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 Tax Collector to mail a statement of such charges to the owner or other person in possession of the premises with instructions that such charges are due and payable within 30 days from the receipt thereof.
- (B) 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 83.04, 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.

### 83.7 PROCEDURE NOT EXCLUSIVE

The procedure set forth in this subchapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this subchapter shall not prevent the town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this subchapter as provided in G.S. 14-4.

## WEED CONTROL

### 83.20 KEEPING DOWN WEEDS

- (A) Any person owning or having charge of land within the town, shall keep said property free and clear from all noxious weeds and rank vegetation and shall be required to cut all such weeds and vegetation on the lots owned or controlled by him at such times as set forth in 83.21.
- (B) Noxious weeds and rank vegetation shall include but not be limited to:
  - (1) Any weeds such as poison ivy, jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind.
  - (2) Bushes of the species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties;
  - (3) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants growing to a height exceeding 18 inches.
  - (4) Any weed or wild growth which, by reason of the pollen or seed spread by it, or the density of its growth, or its unsightliness, injuriously affects the public health, safety or welfare.
- (C) All noxious weeds are declared nuisances.

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### 83.21 CUTTING AND REMOVING NOXIOUS WEEDS

All noxious weeds as defined in 83.20 shall be cut and removed or destroyed by the owner, lessee, tenant, occupant or person living care or control of the plot of ground on which the weeds or wild growths are growing, at least once each month during the months of June, July, August and September of each year, and as often as necessary to prevent the development of pollen and/or seed.

### 83.22 NOTICE TO OWNER TO CUT NOXIOUS WEEDS

- (A) Upon failure of the owner, lessee, tenant, occupant or person having care or control of the ground to cut and remove noxious weeds as required in 83.21, the Board of Commissioners shall cause written notice to be served on the owner, lessee, agent, or tenant having charge of such land, notifying him that noxious weeds are growing on such lands and that they must be cut and destroyed within 15 days after service of such notice.
- (B) If the owner or other person having charge of the land is a nonresident of the town whose address is known, the notice shall be sent to his address by certified mail. If the address of the owner or other person having charge of the land is unknown it is sufficient to publish the notice once in a newspaper of general circulation in the town.

### 83.23 PROCEDURE WHEN OWNER FAILS TO COMPLY

If the owner, lessee, agent, or tenant having charge of the lands mentioned in 83.22 fails to comply with the notice required by such section, the Board of Commissioners shall cause such noxious weeds to be cut and destroyed and may employ the necessary labor to perform the task. All expenses incurred shall, when approved by the Board of Commissioners, be paid out of the money in the General Fund of the town not otherwise appropriated.

### 83.24 COSTS OF ABATEMENT; LIEN

- (A) The actual cost incurred by the town in removing or otherwise remedying the weed control nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of such charges to the owner or other person in possession of the premises with instructions that such charges are due and payable within 30 days from the receipt thereof
- (B) In the event charges for the removal or abatement of the weed control nuisance are not paid within 30 days after the receipt of a statement of charges, 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.

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83.25 PROCEDURE NOT EXCLUSIVE

The procedure set forth in this subchapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of weed control nuisances and this subchapter shall not prevent the town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this subchapter as provided in G.S. 14-4.

83.26 CIVIL PENALTIES

If the owner, lessee, agent, or tenant having charge of the lands mentioned in Section 83.22 fails to comply with the notice required by such Section, the Board of Commissioners, shall, in addition to other remedies available under this subchapter or under State law, impose a fixed civil penalty charge in the amount of \$50 against the owner, lessee, agent, or tenant having charge of the lands in question. If such charge has been paid within 30 days, the offender shall be subject to a civil action in the nature of a debt of for the stated penalty, together with the cost of the action to be taxed by the Court. (Adopted September 6, 1994).

Revised August 6, 2014, revised September 3, 2014, revised January 4, 2017

ATTEST:

TOWN OF FAISON

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Sharon Lee, Town Clerk

Carolyn Kenyon, Mayor