

CHAPTER 4
NOXIOUS WEEDS ORDINANCE
CHOWAN COUNTY, NORTH CAROLINA

Preamble

AN ORDINANCE PROVIDING FOR THE PREVENTION AND ABATEMENT OF
PUBLIC NUISANCES CAUSED BY THE UNCONTROLLED GROWTH OF NOXIOUS
WEEDS AND GRASS AND THE ACCUMULATION OF REFUSE.

WHEREAS, the uncontrolled growth of noxious weeds and grass, the accumulation of offensive animal and vegetable matter, and the accumulation of refuse including unattended, abandoned, or junked motor vehicles regardless of ownership or location, causes or threatens to cause nuisance dangerous and prejudicial to the public health or safety, and

WHEREAS, Chowan County is presently authorized by Section 153A-121, 153A-123 and 153A-140 of the General Statutes of North Carolina to abate nuisances and to take all actions prescribed in this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Chowan County, North Carolina that this ordinance be adopted directing the following actions be taken in accordance with and under the authority of the cited General Statutes:

4.01 Public Nuisance Conditions

The existence of any of the following conditions on any vacant lot or other parcel of land within the jurisdiction of Chowan County is hereby 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 to a height in excess of ten (10) inches causing or threatening to cause a hazard detrimental to the public health or safety.
- 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.
- C. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors of the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- D. The open storage of any abandoned icebox, refrigerator, stove, glass, furniture, other appliances, building material, building rubbish, refuse including unattended, abandoned, or junked motor vehicles regardless of ownership or location, other waste, or similar items.
- E. Any condition detrimental to the public health, which violates the rules and regulations of the County Health Department.

4.02 Investigation

The County Code Enforcement Officer, upon notice from any person of the possible existence of any of the conditions described in Section 4.01 shall cause to be made by the appropriate County Health Department official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in Section 4.01.

4.03 Hearing

If it appears that such conditions exist, the County Code Enforcement Officer shall cause to be delivered or mailed to the owner of the said property upon which the conditions exist by certified mail-return receipt requested, a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the County Code Enforcement Officer at a place therein fixed, not less than ten (10) nor more than thirty (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.

4.04 Abatement

If a determination is made that such conditions constituting a public nuisance exist, the County Code Enforcement Officer shall notify, in writing, the owner of the premises in question of the determination and the conditions constituting such public nuisance and shall order the prompt abatement thereof within five (5) days from the receipt of such written notice. Written notice of the determination shall inform the owner of the right to seek judicial review of the order by filing a petition in the Chowan County Superior Court within thirty (30) days of the owners' receipt of written notice of the order.

4.05 Failure to Abate

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 five (5) days from the receipt of the said order, and the order has not been otherwise stayed by order of the Superior Court of Chowan County, the County Code Enforcement Officer shall cause said condition to be removed or to otherwise be remedied by having employees of the County to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the County Code Enforcement Officer. Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance request the County in writing to remove such condition, the cost of which shall be paid by the person making such request. An administrative cost of \$250.00 shall be charged to the owner of such lot or parcel of land upon which a nuisance has been determined to exist and which remains unabated or subject to County removal by the owner's request.

4.06 Charges for Remedy

The actual cost incurred by the County in removing or otherwise remedying a public nuisance, including administrative costs, shall be charged to the owner of such lot or parcel of land and it shall be the duty of the County Tax Collector to forward, by certified mail, return receipt requested, 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 thirty (30) days from the receipt thereof.

4.07 Lien and Collection

In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges as provided for in Section 4.06 of this ordinance, 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. 153A-140.

4.08 Owner

For purposes of notice to be given pursuant to this ordinance, the owner of a property shall be the owner most readily ascertainable by the County Code Enforcement Officer from the public records, together with the owner in actual possession of the property.

4.09 Remedies

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

4.10 Effective Date

The provisions of this ordinance shall be appropriately modified in the County Code of Ordinances and shall be in full force and effect from and after the date of its adoption, this 10th day of April 2000 (amended August 6, 2001; July 11, 2002)

Nancy B. Morgan, County Clerk