

**AN ORDINANCE AMENDING CHAPTER 10 ENVIRONMENT, ARTICLE II, NUISANCES,
DIVISION 1, SECTIONS 10-16 THROUGH 10-21`
RELATED TO NUISANCE CONDITIONS PRIVATE PROPERTY
OF THE CODE OF ORDINANCES OF THE TOWN OF YANCEYVILLE**

WHEREAS, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, N.C.G.S. 160A-193, authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

WHEREAS, N.C.G.S. 160A-175 was amended effective December 1, 2021 to provide for the decriminalization of local ordinances, meaning that that no municipal ordinance, with the exception of those listed in the amended statute, may be punishable as a misdemeanor unless the governing body adopts an ordinance specifically providing a misdemeanor penalty for that ordinance; and

WHEREAS, Chapter 10 Environment, Article II Nuisances, Division 1 Public Nuisances, Conditions Private Property in the Yanceyville Code of Ordinances enumerates public nuisances and provides for enforcement of such provisions; and

WHEREAS, the Town Council of the Town of Yanceyville finds that it is in the public interest to amend Chapter 10 of the Town's Code of Ordinances to reduce the permitted height of weeds or other vegetation for such vegetation to be a public nuisance; and

WHEREAS, the Town Council of the Town of Yanceyville acknowledges the legal requirement of complying with N.C.G.S.160A-175, decriminalization of local ordinances, as amended, by providing for notice, civil penalties, and equitable remedies for violation of these provisions.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YANCEYVILLE, NORTH CAROLINA;

PART ONE. That Chapter 10 Environment, Article II Nuisances, Division 1, Secs, 10-16 through 10-21 related to nuisance conditions on private property is hereby amended and rewritten as follows:

CHAPTER 10, ENVIRONMENT; ARTICLE II, NUISANCES; DIVISION 1, PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY

Section 10-16. Administration.

For the purpose of this division, the term "nuisance" shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

Section 10-17. Declaration of Public Nuisance

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. They are hereby found, deemed and declared to be public nuisances wherever the conditions may exist within the corporate limits as now or hereafter established. 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 **twelve (12) 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, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.
3. An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.
4. An open place, collection, storage place or 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 collection.
5. An open storage place for old worn out, broken or discarded machinery, car parts,

junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.

6. 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.
7. 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 the public health.
8. The open storage of any furniture, refrigerator, stove, appliance, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase 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
9. A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.
10. 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 Code Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
11. 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, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.

12. A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.
13. Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.
14. Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.
15. A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.

Section 10-18. - Notice of violation and order to abate.

- (a) Whenever it comes 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 10-17, the code enforcement officer shall give the owner a written notice of violation. The notice of violation shall include the elements identified in subsection (b) below and shall order that the owner shall promptly abate such conditions within ten calendar days (the warning period) from the date of such written notice required in subsection (b) below.
- (b) The notice of violation letter:
 - (1) Shall be delivered to the property owner stating that the violation exists, and that the violation must be remedied within ten 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 that created the nuisance.
 - (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 day warning period, the offender shall be

subject to a civil penalty.

Section 10.19. - Penalty.

- (a) A failure to abide by a lawful order issued pursuant to this article within the time specified, or other violation of this article, shall subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of debt. If, as stated in the notice of violation, the nuisance has not been abated within ten days, the code enforcement officer shall issue a civil penalty letter.
- (b) Civil penalties. At any time beyond the expiration of the ten 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 is in effect beginning on the date of the notice of violation and running up to and including the date the violation has been remedied:
 - i. One hundred dollars for the first offence;
 - ii. Two hundred fifty dollars for the second offence; and
 - iii. Five hundred dollars 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 30th day after the original notice of violation, 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 article 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 article may be enforced by anyone, all or a combination of the remedies authorized herein.

Section 10-20. - Appeal.

Within ten days from receipt of the written notice of violation pursuant to Section 10-18, the owner of the property where the nuisance exists may appeal the findings of the code enforcement officer to the town clerk by giving written notice of appeal with the reason for the appeal to the code enforcement officer who served the notice. An appeal stays the abatement of the nuisances or penalty until a final determination by the Town Council.

Section 10-21. - Abatement by town; performance.

- (a) As an alternative to the enforcement procedures set forth in sections 15-4 and 15-5 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 of violation, and if an appeal has not been filed with the clerk within the ten days as stated in section 10-6, the town manager or his/her designee may cause the nuisance or condition to be removed or otherwise remedied by contractors or employees of the town go upon the premises and remove or otherwise abate such nuisance or condition.
- (b) If the costs and expenses to the town of abating the violations are not paid within 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.

Section 10-22. - Repeat offenders; chronic violators.

- (a) Repeat offense.
 - (1) Any violation reoccurring on the same property by the same offender more than once within a 12-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.
 - i. Shall be delivered to the property owner and indicating that the violation exists, that it is a repeat violation, and that the violation must be remedied within five days of date of the letter.
 - ii. May be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity.
 - iii. Shall be delivered by personal delivery, electronic delivery, or first-class mail.
 - iv. Shall be posted in a conspicuous place on the property.
 - v. Shall state that upon expiration of the five-day warning period, the offender shall be subject to a civil penalty of:
 - 1. One hundred dollars for the first offence;
 - 2. Two hundred fifty dollars for the second offence;
 - 3. Five hundred dollars 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.

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- (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 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 times under any provision of this chapter.

PART THREE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FOUR. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

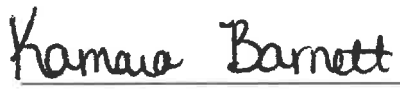
PART FIVE. This ordinance shall be in full force and effect from and after December 1, 2026

Adopted this 6th day of October, 2026.



Mayor

ATTEST:



Town Clerk

Approved as to Form and Legality



Town Attorney