

TOWN OF CRESWELL, NORTH CAROLINA

An Ordinance Providing For Weed and Refuse Control

BE IT ORDAINED by the Town Commissioners of the Town of Creswell:

Section 1. Uncontrolled Growth of Weeds and Accumulation of Refuse Declared Public Nuisance: The existence of any of the following conditions on any lot or other parcel of land within the corporate limits 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 twenty-four (24) inches causing or threatening to cause a hazard detrimental to the public health or safety.
- B. 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.
- C. 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.
- D. Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

Section 2. Complaint and Investigation: The Mayor, or his designee, upon notice from any person of the existence of any of the conditions described in Section 1, shall cause to be made by the appropriate County Health Department official, 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 Section 1.

Section 3. Notice to Abate Nuisance: Upon a determination that such conditions constituting a public nuisance exist, the Mayor, or his designee, shall notify, in writing, 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 seven (7) days from the receipt of such written notice. Written notice shall be deemed to have been received seven (7) days after deposited in the United States mail, postage prepaid, at the address shown on the Town of Creswell or Washington County tax record.

Section 4. Failure of Owner to Abate Nuisance: If any person, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within seven (7) days from receipt of said order, the Mayor, or his designee, shall cause the condition to be removed or otherwise remedied by having employees of the Town, or such other designees, go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Creswell Town Commissioners. Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

Section 5. 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 instruction that such charges are due and payable within thirty (30) days from the receipt thereof.

Section 6. Charges Become a Lien: In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after receipt of a statement of charges as provided for in Section 5, 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.

Section 7. Procedure is Alternative to Other Authorized Procedures: The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the Town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this chapter as provided in G.S. 14-4.

Section 8. Criminal Penalty: Violation of this Ordinance shall be punishable upon conviction by a fine not exceeding \$50.00 or imprisonment not exceeding thirty

(30) days, as provided in N.C.G.S. 14-4. For purposes of punishment herein, each separate violation of this Ordinance shall be deemed a separate offense.

Section 9. Effective Date: This Ordinance shall become and remain in full force and effect from and after the date of its adoption.

The foregoing Ordinance is hereby adopted at a regular meeting of the Town Commissioners of the Town of Creswell, on this the 23rd day of July, 2007.



Mayor

ATTEST:




Clerk