

CHAPTER 83. NUISANCE*

*State law references: Abatement of public health nuisances, see G.S. 160A-193.

Sec. 83.01. Nuisance conditions.

Sec. 83.02. Investigation.

Sec. 83.03. Notice to abate; right to appeal; abatement.

Sec. 83.04. Notice of appeal hearing; hearing.

Sec. 83.05. Council decision.

Sec. 83.06. Abatement by Town.

Sec. 83.07. Costs of abatement; lien.

Sec. 83.08. Procedure not exclusive.

Sec. 83.01. 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) The growth of noxious weeds or grass to a height in excess of twenty-four (24) inches.
- (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 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.
- (d) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish, or similar items.
- (e) Any other condition detrimental to the public health.

(Mo. of 9-3-96; Ord. No. 00-10-18-001, § 1, 10-18-00)

Sec. 83.02. Investigation.

The Town's Code Enforcement Officer, upon reasonable suspicion of the existence of any of the conditions described in section 83.01, shall investigate the affected lot and determine whether conditions exist which constitute a public nuisance as declared in section 83.01.

(Ord. No. 00-10-18-001, § 2, 10-18-00)

Sec. 83.03. Notice to abate; right to appeal; abatement.

If the Town's Code Enforcement Officer determines that a nuisance condition exists on the affected lot, he or she shall send by certified mail, return receipt requested, notice to the lot owner as reported by the Wake County Tax Office that he or she has fifteen (15) days from the receipt of the notice to abate the nuisance condition. The notice shall state specifically which nuisance condition listed in section 83.01 is present on the affected parcel of land. The notice also shall inform the property owner that he or she may, within the fifteen-day period, appeal the Code Enforcement Officer's decision to the Town Council by giving written notice to the Code Enforcement Officer. If the notice is returned to the Code Enforcement Officer unserved, he or she shall cause the notice to be posted upon the subject property and published once in a newspaper of general circulation within Wake County, North Carolina. An appeal made by the property owner within fifteen (15) days of receiving the abatement notice or date of newspaper publication shall stay the abatement of the property until the Town Council has made a final determination on whether a nuisance condition exists on the affected lot. If the property owner, within this fifteen-day period, neglects to abate the nuisance condition and fails

to appeal the Code Enforcement Officer's decision to the Town Council, then the Code Enforcement Officer shall cause the condition to be removed or otherwise abated.

(Ord. No. 00-10-18-001, § 3, 10-18-00)

Sec. 83.04. Notice of appeal hearing; hearing.

Upon an appeal to the Town Council, the Town's Code Enforcement Officer shall send to the appealing lot owner by first class mail, postage prepaid, notice of the time and place for the appeal to be heard by the Town Council. The hearing shall not be heard less than seven (7) days from the date the property owner gave notice of appeal to the Code Enforcement Officer. The owner or any party in interest shall have the right to file a written answer to the Town Council 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.

(Ord. No. 00-10-18-001, § 4, 10-18-00)

Sec. 83.05. Council decision.

The Town Council, after hearing all the evidence presented at the nuisance appeal hearing, may reverse the Code Enforcement Officer's determination that a nuisance condition exists on the subject property. The Town Council, however, may affirm the Code Enforcement Officer's findings and it then shall enact an ordinance specifically declaring the condition existing on the affected parcel of land to be a public nuisance which is dangerous and prejudicial to the public health or safety and ordering the Code Enforcement Officer to abate the nuisance condition. The Town Council's decision shall be final.

(Ord. No. 00-10-18-001, § 5, 10-18-00)

Sec. 83.06. Abatement by Town.

If the Town Council has ordered the Town's Code Enforcement Officer to abate the nuisance condition on the affected lot, the Code Enforcement Officer by first class mail, postage prepaid, shall notify the property owner as reported by the Wake County Tax Office that he or she must abate the nuisance condition within fifteen (15) days from the posting of such written notice. If the property owner within this fifteen-day period neglects to abate the public nuisance condition, then the Code Enforcement Officer shall cause the condition to be removed or otherwise remedied by having employees of the Town, or subcontractors retained by the Town, go upon the premises and remove or otherwise abate the nuisance under the supervision of the Code Enforcement Officer.

(Ord. No. 00-10-18-001, § 6, 10-18-00)

Sec. 83.07. Costs of abatement; lien.

(a) The actual cost and associated expenses including advertising, certified mail and attorneys fees 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 thirty (30) days from the receipt thereof.

(b) 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, 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.

(Ord. No. 00-10-18-001, § 7, 10-18-00)

Sec. 83.08. Procedure not exclusive.

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.

(Ord. No. 00-10-18-001, § 8, 10-18-00)

**//Knightdale, North Carolina/CODE OF ORDINANCES Town of KNIGHTDALE, NORTH CAROLINA
Codified through Ordinance No. 07-12-03-001, adopted Dec. 3, 2007. (Supplement No. 9) Printed
Through Nonpublished Ord. No. 07-04-02-2002, adopted April 2, 2007./Title VIII OFFENSES/CHAPTER
83. NUISANCE***