

## CHAPTER 93: PUBLIC HEALTH NUISANCES

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### § 93.01 DEFINITIONS

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates a different meaning.

***BUILDING MATERIAL (ALSO CALLED CONSTRUCTION AND DEMOLITION MATERIAL).*** Brick, stone, carpet, plumbing materials, plaster, concrete, asphalt, roofing, floor coverings, gutters, or other material or substances accumulated as a result of construction, repairs, or additions to existing structures or accessory structures or demolition of such.

***BUSINESS TRASH.*** Any accumulation of incidental waste products, garbage, other than household trash, which is associated with the operation of stores, offices, and commercial establishments.

***LITTER.*** All discarded man-made materials, including, but not limited to, solid waste materials, building materials, industrial materials, and hazardous waste.

***PREMISES.*** Lots, including sidewalks, rights-of-way, easements, grass strips, or curbs up to the edge of the pavement of any public street.

***GARBAGE.*** A by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking, and consumption of food or other matter which is subject to decomposition, decay, and/or the generation of noxious or offensive gases or odors, or which during and/or after decay may serve as breeding or feeding material for flies, insects, and/or animals.

***HAZARDOUS WASTE.*** Potentially dangerous by-products which cannot be handled, treated, or disposed of without special precautions. Hazardous waste includes ignitable, corrosive, reactive, and toxic wastes such as acetone, gasoline, industrial metal, alkaline cleaners, acids, cyanide, chlorine, arsenic, pesticide wastes, paint, caustics, infected materials, offal, fecal matter (human and animal), and explosives.

***HOUSEHOLD TRASH.*** Accumulation of sweepings, rags, or other matter of any kind, other than garbage and recyclables, which is usually attendant to housekeeping.

***INDUSTRIAL WASTE.*** All waste, including solids, semi-solids, sludge's, and liquids created by factories, processing plants, or other manufacturing enterprises (sometimes referred to as special waste, as it requires special handling).

***JUNK.*** Any item creating a littered condition including, but not limited to, household or office furnishings, household appliances, mattress, box springs, lawn equipment, machinery, or other similar items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition

***RECYCLABLES.*** Newspapers and accompanying inserts, magazines, junk mail, cardboard, glass, food and beverage containers, plastic soft drink and liquor bottles, spiral paper cans, aluminum, bi-metal cans, steel and tin cans, yard waste, and other items determined by the City to be recyclable.

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**RUBBISH.** Useless waste or any material thrown away as worthless.

**SOLID WASTE.** Solid waste is defined as accumulations consisting of any combination of business trash, garbage, household trash, bulky items, yard waste, recyclables, and junk.

**TRASH.** Defined herein as either household trash or business trash.

**UPHOLSTERED FURNITURE.** Any furniture made of materials such as fabrics, padding and springs used to make a soft covering for seating or other non-weatherproof household, automobile, or office items including, but not limited to, sofas, chairs, end tables, lamps, desks and materials designed primarily for interior household or office use.

**YARD WASTE.** Grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials which are generated in the maintenance of yards and gardens, which are separate from other solid waste materials and placed in a designated recycling collection area. Yard waste shall not include trees, tree limbs, brush and other material resulting from commercial tree trimmers and/or commercial lawn-care services.

(Ord. O-1999-48, passed 11-16-99)

### § 93.02 JURISDICTION

The provisions of this chapter shall apply within the corporate limits of the City of Monroe and its extraterritorial jurisdiction.

(Ord. O-1999-48, passed 11-16-99)

### § 93.03 DECLARATION OF A PUBLIC HEALTH NUISANCE.

The following conditions shall constitute a nuisance to public health or safety and shall be prohibited within the City's jurisdiction:

(A) *Neglect of property.* It shall be unlawful for any person to endanger the public health, safety, and welfare through the neglect of property by causing or allowing the accumulation of solid

waste or unsightly litter, waste products causing the existence of foul odors, dead animals, unsecured appliances, building material, hazardous waste, or potentially dangerous devices to be discarded, abandoned, or remain on or emanate from any such property, or to cause or allow the accumulation of solid waste or unsightly litter, waste products causing the existence of foul odors, dead animals, unsecured appliances, building material, construction and demolition material, hazardous waste, or potentially dangerous devices to be discarded, abandoned, or remain on or emanate from public property or other private property, vacant lots, ponds, streams, or bodies of water or banks thereof.

(B) *Unauthorized accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material.*

(1) It shall be unlawful for any person to allow or cause the accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material which produces offensive, noxious or foul odors or vapors or which provides refuge or sustenance for rats, mice, snakes, or other vermin.

(2) It shall be unlawful for the owner and/or occupant of any property to cause or allow the accumulation of solid waste, trash, recyclables, garbage, junk, rubbish or building material causing or threatening to cause a fire hazard or causing or threatening to cause the accumulation of stagnant water.

(C) *Unauthorized accumulation of litter.* It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit any litter in such a manner that it may be carried or deposited upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property, or private property.

(D) *Dilapidated condition on premises.* It shall be unlawful for any person to have on their premises material that creates a littered

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condition, such as, but not limited to, lawn furniture, appliances, machinery, equipment, building materials, automotive parts, tires, fencing, or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition and which are not completely enclosed within a building or dwelling.

(E) *Storage or use of upholstered furniture outdoors.* It shall be unlawful for any person to keep, store, or use any upholstered furniture in any outdoor location on any property unless it is totally enclosed in a weathertight building.

(F) *Uncontrolled growth of weeds or grass.* Subject to the provisions of (F)(1) and (F)(2) hereinafter set out, it shall be unlawful for the owner and/or occupant of a property to allow grass, weeds, and other overgrowth vegetation to exceed a height greater than eighteen inches. It shall be the duty of the owner and/or occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary to comply with the provision of this section.

(1) Lots under two acres and adjacent to improved property or a public street, except as defined as heavily wooded, shall be maintained in their entirety as defined herein.

(2) Lots over two acres and adjacent to improved property or a public street shall be maintained such that the area of the vacant lot lying within one hundred feet of such improved property or public street meets the requirements of this section.

(G) *Any other conditions constituting a nuisance.* In addition to the conditions set out in this section, any other condition declared by the City Council to pose a threat to the public's health or safety, also shall constitute a nuisance and shall be prohibited within the City's jurisdiction.  
(Ord. O-1999-48, passed 11-16-99)

### **§ 93.04 ADMINISTRATION AND ENFORCEMENT RESPONSIBILITY.**

The City's Code Enforcement Officer is hereby charged with the administration and enforcement of this Chapter of the City Code.  
(Ord. O-1999-48, passed 11-16-99)

### **§ 93.05 COMPLAINTS AND INVESTIGATIONS.**

The City shall, upon notice from any citizen or public official, investigate to determine whether or not a nuisance as defined in this section exists. Furthermore, the Code Enforcement Officer shall on his own motion investigate possible nuisances whenever in the course of his normal duties he is made aware of such conditions.

(Ord. O-1999-48, passed 11-16-99)

### **§ 93.06 NOTICE TO ABATE PUBLIC HEALTH NUISANCE.**

(A) Upon a determination that such conditions constituting a public health nuisance exist other than pursuant to 93.03(F), the Code Enforcement Officer shall notify, in writing, the owner, occupant, and/or other person in possession of the premises in question of the conditions constituting such public health nuisance and shall order the prompt abatement thereof within fifteen (15) days from the mailing of written notice by first class mail to the address of the owner/responsible party as shown on the most recent Union County tax records or upon personal delivery to the owner, occupant, and/or person in possession of the premises. Notice shall be complete upon personal delivery or deposit of the notice enclosed in a post-paid, properly addressed wrapper in a post office or official depository under the care of the United States Postal Service.

(B) Upon a determination that such conditions constituting a public health nuisance exist pursuant to Section 93.03(F) - *Uncontrolled growth of weeds or grass*, the Code Enforcement Officer shall notify, in writing, the owner, occupant, and/or other person in possession of the premises in question of the conditions constituting such public health nuisance and shall order the prompt abatement

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thereof within seven (7) days from the mailing of written notice by first class mail to the address of the owner/responsible party as shown on the most recent Union County tax records or upon personal delivery to the owner, occupant, and/or person in possession of the premises. In addition, the property shall be posted with a notice by the Code Enforcement Officer the same day the notice of mailed or delivered to the owner/responsible party. The providing of notice shall be complete upon posting of the property and personal delivery or deposit of the notice enclosed in a post-paid, properly addressed wrapper in a post office or official depository under the care of the United States Postal Service.

(C) An owner of real property whereupon, in the previous calendar year, the City of Monroe took remedial action at least three (3) times during the previous calendar year to abate a nuisance pursuant to Section 93.03(F) – *Uncontrolled growth of weeds or grass*, shall be deemed a chronic violator. A chronic violator as defined herein shall be notified by the Code Enforcement Officer if property owned, occupied, or in possession of the chronic violator is determined to be in violation of Section 93.03(F) the City shall take action to remedy the violation without further notice during the calendar year in which annual notice is given and the expense of such action including any administrative fees shall become a lien upon the property and shall be collected as unpaid taxes. The initial annual notice required herein shall be served by registered or certified mail and shall be complete upon delivery or deposit of the notice along with the appropriate fees under the care of the United States Postal Service.

(Ord. O-1999-48, passed 11-16-99 Ord. O-2003-40 passed 07-15-2003)

### **§ 93.07 FAILURE OF OWNER TO ABATE PUBLIC HEALTH NUISANCE.**

(A) 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 fifteen (15) days of being provided notice pursuant to Section 93.06 of such order, the Code Enforcement Officer shall cause such condition to be removed or otherwise remedied by having employees of the City go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the City Council, and such party shall be subject to civil penalties as specified in Section 10.19 of the Code of Ordinances. The cost of abatement or removal, including administrative costs, shall be due and payable to the City of Monroe within thirty (30) days of notification, which notification shall be deemed given when written notice is sent by first class mail to the property owner at the address shown on the most recent property tax records.

(B) Any person who has been ordered to abate a public nuisance may, within the time allowed by this Chapter, request the City, in writing, to remove such condition, the cost of which shall be paid by the person making the request. (Ord. O-1999-48, passed 11-16-99)

### **§ 93.08 CHARGES BECOME LIEN ON PROPERTY.**

In the event charges for the removal or abatement of a public nuisance are not paid as specified in Section 93.07, such charges shall become a lien upon the land or premises where the nuisance existed and shall be subject to collection as unpaid taxes, as provided in North Carolina General Statute §160A-193. (Ord. O-1999-48, passed 11-16-99)

### **§ 93.09 REPEAL AND REENACTMENT OF EXISTING NUISANCE ORDINANCE OF THE CITY OF MONROE CODE OF ORDINANCES**

The rewriting of this Chapter in part carries forth by reenactment some of the provisions of the existing Nuisance Ordinance of the City and is not intended to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Nuisance Ordinance which are

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not reenacted herein are hereby repealed.  
(Ord. O-1999-48, passed 11-16-99)

### **§ 93.10 SEVERABILITY.**

If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other person or condition, and to this end, the provisions of this ordinance are hereby declared to be severable.

(Ord. O-1999-48, passed 11-16-99)