

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 public property, private property, lots, ponds, streams, or bodies of water or banks thereof.

(B) *Unauthorized accumulation of solid waste, trash, yard waste, animal waste, recyclables, garbage, junk, rubbish, building material, or rotten or putrescible matter or any kind.*

(1) It shall be unlawful for any person to allow or cause the accumulation of solid waste, trash, yard waste, 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, pests, 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, yard waste, 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.

(3) Any concentration of collection of garbage, animal waste, yard waste or any rotten or putrescible matter of any kind which is not maintained for collection in accordance with Chapter 55; however, nothing in this division shall be construed to prevent the generally accepted use of a properly maintained compost pile sited in the side or rear yard area being used for fertilizer for lawns and gardens and for other agricultural or horticultural purposes and in accordance with guidelines created by the city, unless such concentration becomes a focal point for any other nuisance enumerated in the City Code.

(C) (1) *Control of unmanaged vegetation.* It is hereby declared a nuisance to permit the growth of rank vegetation on one's business or residential lot to a height greater than twelve (12) inches, or to permit the lot to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard. It shall also be the duty of the owner to cut and remove all rank vegetation as often as necessary so as to comply with this division.

(2) For the purposes of this section:

(a) Rank vegetation includes, but is not limited to, grass, weeds, noxious plants, exotic invasive plants, poisonous plants, plants causing rashes, profusely and vigorously growing vegetation, unmanaged vegetation, and untended vegetation exceeding a uniform size and shape. Unmanaged means a property lacking direction, control, and maintenance of vegetation.

(b) A parcel consisting of adjacent vacant lots under one's ownership will be considered as one (1) lot.

(c) Except as noted herein, this division does not apply to lots exceeding one (1) acre in size, a parcel of adjacent vacant lots exceeding one (1) acre in total size, or lots covered with trees. Lots exceeding one (1) acre, vacant lots, or lots covered with trees shall be maintained in accordance with this division to a depth of twenty (20) feet from the property lines for rank vegetation where the main trunk, main stem, or main shaft is less than one inch in thickness if and only if the adjacent property is occupied by a dwelling or other structure.

(d) All lots shall be maintained in accordance with this division to a depth of twenty (20) feet from the improved road surface for rank vegetation where the main trunk, main stem, or main shaft is less than one inch in thickness.

(e) This division shall not apply to property which consists of a ravine or creek bank or other severe slope so as to make such maintenance unsafe except that severe slopes with terraces, or benches, shall be maintained in accordance with this division on the terraced, non-severe slope areas. For the purpose of this division, severe slope is defined as greater than 40 degrees from the horizontal.

(f) Natural landscape areas shall be permitted under the following conditions:

1. Turf grasses shall not exceed twelve (12) inches in height.
2. Natural landscape areas shall be setback twenty (20) feet from property lines and from the improved road surface. Vegetation shall not overhang into the setback area.
3. Natural landscape areas shall not exceed 50% of the parcel's square area less setback areas, structure footprints, and improved parking and driveway areas. Areas meeting the severe slope definition, as defined in this section, shall be excluded from the landscape area calculation.
4. Natural landscape areas shall utilize borders to define the areas. Borders may consist of, but not be limited to, edging material, an edge of low plants, wood timber, or stone or woodchips.
5. Pre-existing natural landscape areas that exceed limitations as set forth in divisions (C)(2)(f)2. and (C)(2)(f)3. at the time of adoption shall be exempt from the requirement herein. Exempt areas may not be further enhanced to exceed the exemption granted at the time of adoption.

(D) *Control of shrubs, vines or other vegetation.* It is hereby declared a nuisance to permit the growth of shrubs, vines or other vegetation on one's business or residential lot in such a manner as to allow such shrubs, vines or other vegetation to become a breeding place for mosquitoes, a refuge for rats and snakes, a collecting place for trash and litter, or a fire hazard. It shall be the duty of the owner to trim, cut or remove all shrubs, vines or other vegetation as often as necessary so as to comply with this section. This division does not apply to lots using shrubs, vines or vegetation as a wall or barrier as long as such does not become a nuisance.

(E) *Unauthorized accumulation of litter.* It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit any litter, business trash, building materials, household

trash, recyclables, or trash 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.

(F) *Dilapidated condition on premises.* It shall be unlawful for any person to have on their premises material that creates a littered condition, such as, but not limited to, lawn furniture which is not in good condition and designed for outdoor use on porches or patios, appliances, white goods, machinery, equipment, building materials, automotive parts, tires, fencing, swing sets, trampolines, above-ground pools, 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.

(G) *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.

(H) *Fire wood.* Fire wood shall at all times be neatly stacked, free from excessively rotted wood, and not harbor rats, mice, snakes, pests, or other vermin. Fallen trees and limbs. No person shall cause or allow on premises under their ownership or control, including curbs, rights-of-way, one-half of alleyways, easements, and sidewalks abutting such premises the accumulation of fallen trees, dead trees, sections of tree trunks, laps, limbs, or brush resulting from timber cutting, tree trimming or removal operations, that becomes or threatens to become a fire hazard, harboring place for rats, mice, snakes, pests, or other vermin, or otherwise poses a danger to public health except on parcels of land that are heavily wooded.

(I) Land clearing debris may not remain on the property and must be disposed of in a proper manner.

(J) *Uncontrolled growth of weeds, grass, or noxious vegetation.* Subject to the provisions of divisions (J)(1) - (3) of this section, it shall be unlawful for the owner and/or occupant of a property to allow grass, weeds, noxious vegetation, and other overgrowth vegetation to exceed a height greater than twelve (12) inches. It shall be the duty of the owner and/or occupant to cut and remove all grass, weeds, noxious vegetation and other overgrowth vegetation as often as necessary to comply with the provision of this section.

(1) Lots under two (2) 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 (2) 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 (100) feet of such improved property or public street meets the requirements of this section.

(3) Property which is actively engaged in the commercial growing of crops constituting a bona fide farming operation and is kept in a neat and orderly manner utilizing best farming practices is exempt from the provisions of this division.

(K) *Unhealthy trees.* Any unhealthy plant or tree which has not been removed or altered within fifteen (15) days of the notice of such determination from the City's Code Enforcement Officer, or such other official duly appointed by the City Manager.

(L) *Any other conditions constituting a nuisance.* In addition to the conditions set out in this section, any other condition which poses a threat to the public's health, also shall constitute a nuisance and shall be prohibited.

(Ord. O-1999-48, passed 11-16-99; Am. Ord. O-2012-21, passed 8-21-12; Am. Ord. O-2016-22, passed 10-18-16) Penalty, see § [10.99](#)

Cross-reference:

For provisions regarding overgrown vegetation, see, Sess. L. 2003, C. 77, Sec.1

§ 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](#)(J), the Code Enforcement Officer shall notify, in writing, the owner, occupant, and/or person in possession of the premises in question of the conditions constituting such public health nuisance and shall order the prompt abatement 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. 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 § [93.03](#)(J), 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 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 is 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 postpaid, properly addressed wrapper in a post office or official depository under the care of the United States Postal Service.

(C) Pursuant to G.S. § 160A-200.1, an owner of real property whereupon, in the previous calendar year, the city gave notice of violation at least three (3) times under any provision of this chapter, 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 this chapter. 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. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) 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.

(Ord. O-1999-48, passed 11-16-99; Am. Ord. O-2003-40, passed 7-15-03; Am. Ord. O-2012-21, passed 8-21-12; Am. Ord. O-2014-05, passed 4-1-14; Am. Ord. O-2016-10, passed 4-5-16; Am. Ord. O-2016-22, passed 10-18-16)

§ 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 the time allowed pursuant to § [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 § [10.19](#). The cost of abatement or removal, including administrative costs, shall be due and payable to the city 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.

(C) All bulky items and/or debris generated by cleaning out rental or other residential properties not removed immediately by the property owner(s) will be declared a public health nuisance. Any property owner(s) or person(s) who fails to immediately remove the items or debris shall be ordered to abate the nuisance within seven days of the notice of violation provided pursuant to this chapter. Upon failure to abate the nuisance by the owner within the time period allowed, the city shall take action to remove or hire a third party contractor to remove the debris. Charges incurred by the city for the cost of removal including the cost of a third party waste removal company to remove debris from noncompliant property shall be levied against said property owner(s) pursuant to this chapter and, if unpaid, such costs shall become a lien on the property pursuant to § [93.08](#) and G.S. § 160A-193.

(Ord. O-1999-48, passed 11-16-99; Am. Ord. O-2007-20, passed 8-21-07; Am. Ord. O-2012-21, passed 8-21-12; Am. Ord. O-2016-10, passed 4-5-16)

§ 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 occurred and shall be subject to collection as unpaid ad valorem taxes, as provided in G.S. § 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 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)