

Chapter 14

NUISANCES*

- Art. I. In General, §§ 14-101–14-199
Art. II. Noise, §§ 14-201–14-203

ARTICLE I. IN GENERAL

Sec. 14-101. Nuisances enumerated.

The existence of any of the following conditions on any vacant 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:

- (1) The uncontrolled growth of noxious weeds or grass to a height which causes or threatens to cause a hazard detrimental to the public health or safety;
- (2) 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;
- (3) 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;
- (4) Any condition detrimental to the public health which violates the rules and regulations of the county health department.

(Code 1976, § 9.19(a))

Sec. 14-102. Cutting weeds.

Every owner or person in possession of a lot within the corporate limits shall shrub down, within four (4) inches of the ground, all weeds, grass or other noxious growth from such lot at least three (3) times each year in accordance with the time frames and provisions listed below. The first mowing shall be no later than June first; the second time shall be after June first and not later than August first; the third time shall be after August first and not later than October first. If such weeds or other noxious growth are not cut in compliance with this article,

***Cross references**—General penalty, § 1-111; animals which are nuisances, § 4-105; garbage and refuse, Ch. 11; health and sanitation, Ch. 12; abandoned vehicles, § 20-1201 et seq.

State law references—Public health, G.S. § 130A-1 et seq.; abatement of public health nuisances, G.S. § 160A-193.

the town clerk shall proceed to have such weeds or other noxious growth cut, and the owner or person in possession of such lot shall be responsible to the town for the cost hereof, in accordance with sections 14-107 and 14-108.

(Code 1976, § 9.19(b); Ord. No. 5-90, 3-5-90)

Sec. 14-103. Complaint and investigation.

Code Enf. Officer

The ~~town clerk~~, upon notice from any person of the existence of any of the conditions described in section 14-101, 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 14-101.

(Code 1976, § 9.20)

Sec. 14-104. Notice to abate nuisance.

(a) Upon a determination that such conditions constituting a public nuisance exist, the town clerk 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 ten (10) days from the receipt of such written notice.

(b) Upon recommendation from the code enforcement officer and final approval of the town council, virgin wooded lots may be dealt with by allowing the property owner to use a firebreak of seventy-five (75) feet away from all adjoining property, with final approval from the town council on the amount of footage. All property owners allowed to use the seventy-five-foot firebreak shall be required to comply with current soil conservation measures, grass the firebreak area and mow according to the requirements that apply to weed lots.

(Code 1976, § 9.21; Ord. No. 2-94, 2-21-94)

Sec. 14-105. 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 ten (10) days from receipt of such order, the town clerk shall cause the condition to be removed or otherwise remedied by having employees of the town go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the council.

(Code 1976, § 9.22)

Sec. 14-106. Owner may request city to remove; costs.

Any person who has been ordered to abate a public nuisance may within the time allowed by this article request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.

(Code 1976, § 9.22)

Sec. 14-107. 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 tax collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof.

(Code 1976, § 9.23)

Sec. 14-108. Charges become a lien.

If 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 as provided for in section 14-107, 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. section 160A-193.

(Code 1976, § 9.24)

Sec. 14-109. Procedure is alternative to other authorized procedures.

The procedure set forth in this article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this article shall not prevent the town from proceeding in a criminal action against any person violating the provisions of this article as provided in G.S. section 14-4.

(Code 1976, § 9.25)

Sec. 14-110. Human and animal waste; dead animals.

(a) It shall be unlawful for any person to urinate or deposit any human waste on any street, lot or premises except in an approved sanitary facility. No butcher, fishmonger, huckster or vendor of merchandise of any kind shall leave any refuse on the streets, or uncovered by earth, on the lots of the town. All putrid or decayed animals or vegetable matter must be removed from all cellars and outbuildings at least once in every forty-eight (48) hours during the months of May, June, July, August and September, and at least once a week during the other months of the year.

(b) No animal that died by disease or accident and no meat therefrom nor any animal or meat therefrom killed while feverish, bruised, disabled, injured with broken bones, or otherwise heavy with young, jaded or fatigued from long driving or shipping, or killed or kept in some building or in so close proximity with fumes of gas, or disease or spoiled meat as to become contaminated therefrom or rendered unwholesome or unhealthy thereby, or manipulated with tools used on diseased or other dead carcasses as aforesaid, shall be brought into town, held or offered for sale as food therein.

(c) Owners of animals dying in the town shall, upon notice of their death, immediately contact the public works department for removal of same.

(Code 1976, § 9.4; Ord. No. 5-90, 3-5-90)

Cross references—Animals, Ch. 4; health and sanitation, Ch. 12.

Secs. 14-111–14-199. Reserved.

ARTICLE II. NOISE*

Sec. 14-201. Unnecessary noises—Prohibited.

It shall be unlawful to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing and unnecessary noise in the town. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(Code 1976, § 11.2)

Sec. 14-202. Same—Noises expressly prohibited.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but this enumeration shall not be deemed to be exclusive, namely:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after, or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time;
- (2) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;
- (3) The use or operation of any piano, manual or automatic, phonograph, radio, loud-speaker or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the same a public nuisance; provided, however, that upon application to the manager, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment;
- (4) The keeping of any animal or bird which by causing frequent or loud continued noise shall disturb the comfort and repose of any person in the vicinity;
- (5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise;
- (6) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger;

*State law reference—Authority to regulate noise, G.S. § 160A-184.

- (7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- (8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced;
- (9) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays except in the case of urgent necessity in the interest of public safety and then only with a permit from the town clerk, which permit may be renewed for a period of three (3) days or less while the emergency continues;
- (10) The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the same is in session, or within one hundred fifty (150) feet of any hospital, which unreasonably interferes with the working of such institution, provided, conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street;
- (11) The creation of any excessive noise on Sundays on any street adjacent to any church, provided, conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street;
- (12) The creation of loud and excessive noise in connection with loading or unloading any vehicle, of the opening and destruction of bales, boxes, crates and containers;
- (13) The sounding of any bell or gong, attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof;
- (14) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood;
- (15) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise;
- (16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes or other purposes except where specific license is received from the board;
- (17) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.;
- (18) The firing or discharging of squibs, crackers, gunpowder or other combustible substance in the streets or elsewhere for the purpose of making noise or disturbance except by permit from the manager;
- (19) It shall be unlawful for any person to play, use or otherwise operate, either from a motor vehicle or as a pedestrian, any radio, tape player or other sound amplification

device emitting sound that is audible from a distance of fifty (50) or more feet from the source of the sound, unless such device is being used to request assistance or warn against an unsafe condition.

(Code 1976, § 11.3; Ord. No. 17-93, 10-18-93; Ord. No. 30-98, 8-31-98)

Cross references—Animals, Ch. 4; buildings and building regulations, Ch. 5; peddlers, soliciting and itinerant merchants, § 6-401 et seq.; firearms regulated, § 15-101; streets, sidewalks and other public places, Ch. 19; traffic and motor vehicles, Ch. 20.

Sec. 14-203. Penalty.

Violation of this chapter shall be a misdemeanor. The penalty for any offense shall be a fine of fifty dollars (\$50.00).

(Ord. No. 17-93, 10-18-93; Ord. No. 5-98, 2-16-98)

ARTICLE III. COMMUNITY APPEARANCE STANDARDS

Sec. 14-301. Legislative finding.

It is hereby found and determined that there exists within the area subject to the zoning jurisdiction of the town premises that, because of the existence of the conditions herein determined to be unlawful, constitute a visual blight and detriment upon the surrounding neighborhood, and create substantial and unreasonable interferences with the reasonable and lawful use and enjoyment of other premises in the neighborhood, or such conditions inhibit property values, interfere with the public health and safety, or otherwise discourage the comfort, happiness and emotional stability and general welfare of all citizens.

(Ord. No. 34-99, § 1, 11-15-99)

Sec. 14-302. Conditions unlawful.

The existence of any of the following conditions on any lot or parcel of land within the zoning jurisdiction of the town is hereby declared to be unlawful and a violation of the provisions of this section:

- (1) All fences, retaining walls or similar structures that are not firmly anchored to the ground, maintained in good structural condition and free of deterioration. Wooden or other fence features subject to deterioration or weathering shall be properly maintained to retard deterioration or provide protection from the weather. Deteriorated features shall be replaced, repaired or completely removed. Grass, weeds and other vegetation shall be mowed around said fences and structures in compliance with section 5-408(h) of the Maiden Town Code. Fences and similar structures are also subject to the provisions in section 17-334 of the Maiden Twn Code.
- (2) Any of the following conditions in open places (for purposes of this section, "open places" are defined as areas of properties or portions thereof that are open to the

exterior, including building openings of residential dwelling units, such as carports or porches, and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side and rear yards):

- a. Any litter which is scattered, cast, thrown, blown, placed, swept, or deposited anywhere so as to accumulate on any property in open places. The owner and occupant of any dwelling unit shall keep exterior premises clean of litter, including, but not limited to, glass, bottles, waste paper, wrapping paper, paper napkins, cartons, package containers, bags of trash, and other used or waste materials intentionally or unintentionally scattered, discarded, thrown or left on such premises, and to prevent same from drifting or blowing to adjoining premises by removing such waste or ensuring that same is placed in approved refuse containers and/or locations for collection by the town as specified in section 11-106 of the Town Code.
- b. Any concentration of unusable building materials, including, but not limited to, concrete, steel or masonry, which due to deterioration or age are no longer suitable for building construction, alterations or repair and which are in open places.
- c. Any worn-out, deteriorated or abandoned household or office furniture, appliances or other similar products of any kind which are in open places.
- d. Any product with jagged edges of metal or glass which are in open places.
- e. Any junk, waste materials, unusable building materials, trash, garbage, oily rags, barrels, cans, papers, bricks or brickbats and other litter, refuse, rubbish or combustible materials which is scattered, cast, placed or deposited in a yard or yards.

(3) The presence, accumulation, storage, or placement of:

- a. Junk, including, but not limited to, deteriorated, unusable or inoperative furniture, appliances, machinery, equipment, building materials, worn out and disused automobiles or parts, tires or any other man-made items which are either in whole, or in part, wrecked, junked, disused, worn out, dismantled or inoperative.
 - 1. Storage of junk shall only be allowed on any properties used for nonresidential purposes if in compliance with all other town codes, or if not addressed by a town code, completely enclosed within a building or otherwise evenly placed neatly stacked and concealed on all sides by a solid fence, cover or other means so as to not be visible from abutting properties or a public street.
 - 2. Storage of junk shall only be allowed on any property used for residential purposes if completely stored in an enclosed building or limited to one hundred (100) square feet in area and completely concealed by a solid fence, cover or other means so as not to be visible from abutting properties or public street.

3. Whether stored on a residential or nonresidential property such storage of junk shall be maintained in such a manner so as to prevent overgrown grass or weeds or an infestation of wild animals, reptiles and rodents.
- b. Usable building materials, unless (i) permitted as an authorized storage in the Code of Ordinances of the Town of Maiden, or (ii) stored on any nonresidential lot, or (iii) if stored on any residential lot where construction has stopped or never commenced for a period of one year and there is not a current, valid outstanding building permit issued for construction on the residential lot, such storage is inside a completely enclosed building (if otherwise permitted on the lot) or placed in the rear of the lot and stored in accordance with subsection (3)a.2. as set forth above.
- c. Construction fill materials, unless such materials are: (i) stored in a level, safe manner for a period of time not to exceed twelve (12) months, or (ii) approved by the code enforcement officer as a landscape feature evidenced by a comprehensive landscape plan showing such features for legitimate landscape purposes as part of the total development of the lot.
- d. Firewood, except when such storage is neither in excess of a total area of one hundred (100) square feet nor stacked to a height more than six (6) feet above the ground.

(Ord. No. 34-99, § 1, 11-15-99)