

**AN ORDINANCE REGULATING AND ALLOWING
FOR THE ABATEMENT OF OVERGROWN
LOTS AS PUBLIC HEALTH NUISANCES**

WHEREAS, Pasquotank County annually receives numerous complaints regarding overgrown lots; and

WHEREAS, overgrown lots can be dangerous and prejudicial to public health by providing a breeding ground for vermin and other animals as well as being unsightly; and

WHEREAS, N.C.G.S. §153A-140 and other relevant law, provides the county may remove, abate or remedy everything that is dangerous or prejudicial to the public health or safety; and

WHEREAS, Pasquotank County Board of Commissioners finds that overgrown lots are dangerous and prejudicial to the public health and safety of its citizens; and

WHEREAS, Pasquotank County has decided to regulate overgrown lots by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Pasquotank as follows:

GENERAL NUISANCES

Section 1. CERTAIN CONDITIONS DECLARED NUISANCES

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the county limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) Growth of weeds and grass. The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety. In no event may the grass or weeds on any portion of a lot located in a platted subdivision and not used for active farming or woodlands exceed the height of 24 inches.

Section 2. INVESTIGATION OF COMPLAINTS

The County Manager, or County Manager's designee, upon notice from any person of the existence of any of the conditions described as a nuisance shall cause to be made, by the appropriate county official, such investigation as may be necessary to determine whether such conditions exist as to constitute a public nuisance.

Section 3. NOTICE AND ORDER TO ABATE

(A) Upon determination that the conditions constituting a public nuisance exist, the County Manager, or County Manager's 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 14 days from the receipt of such

written notice. The written notice should also include the right to appeal the notice of abatement to the County Manager, or the County Manager's designee.

(B) Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions which result in the declaration of a public nuisance.

Section 4. APPEAL OF ORDER OF ABATEMENT

(A) At any time before the expiration of the abatement period the respondent may request a hearing before the County Manager, or County Manager's designee, to appeal the finding of the administrator that a public nuisance as defined by this ordinance exists on the premises. The request for a hearing must be in writing and must be filed in the office of the County Manager. The County Manager, or County Manager's designee, shall fix a time for the hearing, and the initial abatement order shall be temporarily suspended pending such hearing. The hearing must be held by the County Manager, or County Manager's designee, within thirty calendar days following receipt of the request for hearing by the office of the County Manager. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the County Manager or County Manager's designee shall consider the evidence provided and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order. The decision of the County Manager, or County Manager's designee, may be appealed to the General Court of Justice as provided by G.S. 153A-140.

Section 5. ABATEMENT BY COUNTY

(A) If any person, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within 14 days from receipt of the order, the County Manager, or County Manager's designee, shall cause such condition to be removed or otherwise remedied by having an independent contractor go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the County Manager.

(B) The actual cost incurred by the county in removing or otherwise remedying a public nuisance, including administrative costs, shall be charged to the owner of such lot or parcel of land and it shall be the duty of the County Tax Collector to forward, by certified mail, return receipt requested, 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 days from receipt thereof.

(C) In the event charges for the removal or abatement of a public nuisance are not paid within thirty days after the receipt of a statement of charges as provided for above, 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. 153A-140.

Section 6. ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE ORDINANCE

Under the provisions of G.S. 153A-140.2, effective October 1, 2009, the county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

Section 7. REMEDIES

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

Section 8. EFFECTIVE DATE

The provisions of this ordinance shall be appropriately modified in the County Code of Ordinances and shall be in full force and effect from and after the date of its adoption, this 17th day of June 2019.

ADOPTED this 17th day of June, 2019.



Jeff Dixon, Chairman
Pasquotank County Board of Commissioners

ATTEST:



Lynn B. Scott
Clerk to the Board

(SEAL)

First Vote: June 3, 2019

Ayes: 6 Nays: 0

Second Vote: June 17, 2019

Ayes: 7 Nays: 0