

**PROPOSAL TO AMEND
THE CODE OF ORDINANCES,
TOWN OF ROLESVILLE, NORTH CAROLINA
Case Number TA 19-04**

Chapter 93: Health and Sanitation; Nuisances

SECTION 1. That Sub-section 93.01(B)(1) of Chapter 93 be amended to read as follows:

- Addition
- Deletion
- Alteration (additions are *italicized* and deletions are ~~struckthrough~~)

Subsection 93.01 Nuisance Conditions, (B) Nuisances, (1)

- (1) The uncontrolled growth of noxious weeds or grass to a height in excess of ~~12 inches~~ *eight (8) inches* and within ~~150 feet of a dwelling, or non-residential or accessory building that has not been abandoned, and within 75 feet from a public right-of-way,~~ causing or threatening to cause a hazard detrimental to the public health or safety;

SECTION 2. That Sub-section 93.02 of Chapter 93 be amended to read as follows:

- Addition
- Deletion
- Alteration (additions are *italicized* and deletions are ~~struckthrough~~)

Subsection Section 93.02 Investigation

~~The Town Clerk~~ *The Town Manager or his designee* upon notice from any person of the possible existence of any of the conditions described in '93.01, shall cause to be made by the appropriate County Health Department official, or town official, investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in ' 93.01.

SECTION 3. That Sub-section 93.03 of Chapter 93 be deleted:

- Addition
- Deletion
- Alteration (additions are *italicized* and deletions are ~~struckthrough~~)

~~Subsection 93.03 Notice of Violation; Hearing~~

~~If it appears that such conditions exist, the Town Clerk shall cause to be delivered or mailed to the owner of the property upon which the conditions exist, a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Town Clerk at a place therein fixed, not less than 10 nor more than 30 days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice 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 the~~

hearing and give evidence relevant to the matter being heard. The rule of evidence prevailing in courts of law or equity shall not be controlling in these hearings. (1989 Code, '83.03)'

SECTION 4. That Sub-section 93.04 of Chapter 93 be deleted:

- Addition
- Deletion
- Alteration (additions are *italicized* and deletions are struckthrough)

~~Subsection 93.04 Notice to Abate~~

~~If a determination is made that conditions constituting a public nuisance exist, the Town Clerk shall notify, in writing, the owner of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of the written notice. (1989 Code, '83.04)~~

SECTION 5. That Sub-section 93.03 of Chapter 93 be added:

- Addition
- Deletion
- Alteration (additions are *italicized* and deletions are struckthrough)

Subsection 93.03 Notice to Abate; Right to Appeal

- (A) Upon a determination that a public nuisance as described in this article exists, the Town Manager or his designee shall notify in writing the owner, occupant or person in possession of the premises in question of the condition constituting such public nuisance and shall order the prompt abatement thereof within ten (10) days from the receipt of such written notice, or if proof of the delivery of the written notice cannot be obtained, within fifteen (15) days of the mailing of such notice to the owner's last known address as listed with the Wake County Tax Collector, and in addition notice may be published in a newspaper of general circulation.
- (B) Within the ten-day period mentioned in subsection (A) above, the owner of the property where the nuisance exists may appeal the findings of the Town Manager or his designee made pursuant to subsection (A) above to the Town Board by giving written notice of appeal. The filing of the appeal shall stay the abatement of the nuisance by the town until a final determination by the board, unless the Town Manager or his designee certifies to the board that, because of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property or that, because the violation is transitory in nature, a stay would seriously interfere with the effective enforcement of this chapter. In that case, abatement proceedings shall not be stayed except by order of the Town Board or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the Town Manager or his designee. In the event no appeal is taken, the town may proceed to abate the nuisance.
- (C) The Town Board, in the event an appeal is taken as provided in subsection (B) above and after hearing all interested persons and reviewing the findings of the Town Manager or his designee, may reverse the findings made pursuant to subsection (B) above; but if the board shall uphold the findings of the Town Manager or his designee made pursuant to such subsection, the board shall adopt an ordinance specifically declaring the condition existing on the property to be a danger and hazard to the health,

safety, morals and general welfare of the inhabitants of the town and a public nuisance and directing the appropriate town employees to cause the condition or conditions to be abated.

SECTION 6. That Sub-section 93.04 of Chapter 93 be added:

- Addition
- Deletion
- Alteration (additions are *italicized* and deletions are ~~struckthrough~~)

Subsection 93.04 Annual notice to chronic violators of public nuisance ordinances

The notice given to violators required in section 93.03 is modified as set forth herein for chronic violators. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three (3) times under any provision of the public nuisance ordinance. The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of the article, the town 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.

SECTION 7. That Sub-section 93.05 of Chapter 93 be amended to read as follows:

- Addition
- Deletion
- Alteration (additions are *italicized* and deletions are ~~struckthrough~~)

Subsection 93.05 Abatement by Town

If any person, after having been ordered to abate a public nuisance described in this article, fails, neglects or refuses to abate or remove the condition constituting the nuisance within ten (10) days from receipt of mailing of the order, or if proof of the delivery of the written notice cannot be obtained, within fifteen (15) days of the mailing of such notice, the Town Manager or his designee shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor hired by the town go upon such premises and remove or otherwise abate such nuisance under the supervision of Town Manager or his designee. In such instances, weeds or grass shall always be cut to a height satisfactory to the Town Manager or his designee. ~~If the owner, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, the Town Clerk shall cause the condition to be removed or otherwise remedied by having employees of the town go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Clerk.~~ Any person who has been ordered to abate a public nuisance may, within the time allowed by this subchapter, request the town in writing to remove that condition, the cost of which shall be paid by the person making the request. (1989 Code, ' 83.05)

SECTION 8. Effective Date. This ordinance shall become effective on the date of its adoption by the Board of Commissioners.

Adopted this 4th day of June, 2019 by the Town of Rolesville Board of Commissioners.

Frank Eagles
Town of Rolesville Mayor

CERTIFICATION

I, Robin Peyton, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of an ordinance duly adopted at the meeting of the Town Board of Commissioners held on this ____ day of _____, 2019.

In witness whereof, I have hereunto set my hand and caused the seal of the Town of Rolesville to be affixed this ____ day of _____, 2019.

Robin Peyton
Town of Rolesville Clerk

(seal)