

## CHAPTER 93: NUISANCES

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### GENERAL PROVISIONS

#### § 93.01 CONDITIONS DEEMED PUBLIC NUISANCE.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (A) The uncontrolled growth of noxious weeds or grass to a height in excess of 24 inches, causing or threatening to cause a hazard detrimental to the public health or safety.
- (B) Any accumulations of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein by rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (C) Any accumulation of rubbish, trash or junk, causing or threatening to cause a fire hazard, 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.
- (D) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

(<sup>90</sup> Code, § 12-2)

#### § 93.02 INVESTIGATION.

The City Manager, upon notice from any person of the existence of any condition constituting a public nuisance, shall cause to be made by the appropriate County Health Department official or city official, such investigation as may be necessary to determine whether, in fact, such conditions exist as to constitute a public nuisance.

(<sup>90</sup> Code, § 12-3)

#### § 93.03 NOTICE TO ABATE.

Upon a determination that conditions constituting a public nuisance exist, the City Manager shall notify, in writing, the owner, occupant or person in possession 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.

(^90 Code, § 12-4)

§ 93.04 ABATEMENT BY CITY.

(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 15 days from receipt of the order, the City Manager shall cause the condition to be removed or otherwise remedied by having employees of the city go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the City Manager.

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

(^90 Code, § 12-5)

§ 93.05 COST; STATEMENT; PAYMENT DATE.

The actual cost incurred by the city in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land. The Tax Collector shall mail a statement of the charges to the owner or other person in possession of the premises, with instructions that the charges are due and payable within 30 days from the receipt thereof.

(^90 Code, § 12-6)

§ 93.06 LIEN FOR UNPAID CHARGES.

If charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in § 93.05, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes.

(^90 Code, § 12-7)

§ 93.07 OTHER PROCEEDINGS AND REMEDIES.

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

(^90 Code, § 12-8)

§ 93.08 POSTING BILLS WITHOUT CONSENT.

No person shall post any bills, signs, placards or advertisements on any property without the written consent of the owner thereof.

(^90 Code, § 12-1) Penalty, see § 93.99

Statutory reference:

Similar provisions, see G.S. § 14-145

NOISE

§ 93.20 UNNECESSARY NOISE GENERALLY.

Subject to the provisions of this subchapter, the creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(^90 Code, § 12-26) Penalty, see § 93.99

§ 93.21 NOISES EXPRESSLY PROHIBITED.

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

(A) Vehicle horns. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while the same is not in motion, except as a danger signal or, if

in motion, only as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device or any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(B) Vehicle gongs or sirens. The use of any gong or siren upon any vehicle, other than a police, fire or other emergency vehicle.

(C) Radios, phonographs, boom boxes, CD players and the like. The playing of any radio, phonograph, loudspeaker, boom box, CD player or other musical instrument in such a manner or with such excessive volume or such emission of amplified noise, speech, music or other sounds as to annoy or disturb the quiet, comfort or repose of any person or frighten persons of ordinary sensibilities. Specifically exempted from this section shall be special events ( for example, Personality Fest) sponsored by the city.

(D) Noisy vehicles. The use of any automobile, motorcycle or other vehicle so out of repair or so loaded as to create loud or unnecessary grating, grinding, rattling or other noises.

(E) Discharge of engine exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through an effective muffler or other device.

(F) Mechanical devices operated by compressed air. The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled.

(G) Building operations. The erection (including excavating), demolition, alteration or repair of any building, other than between the hours of 7:00 a.m. and 6:00 p.m., except in the case of urgent necessity in the interest of public safety, and then only with a temporary permit from the Building Inspector, which permit may be renewed for a period of three days or less while the emergency continues.

(H) Loading vehicles, opening crates and the like. The creation of loud and excessive noise in connection with loading or unloading any vehicle or opening or destruction of bales, boxes, crates and containers.

(I) Bells and gongs on buildings. 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.

(J) Garages, filling stations and car washes. 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. ('90 Code, § 12-27) (Am. Ord. 94, passed 7-12-94) Penalty, see § 93.99  
§ 93.22 UNNECESSARY SPINNING OF TIRES.

It shall be unlawful for the driver of any motor vehicle in the city to cause, in the operation of his or her vehicle, noise to be made by unnecessarily spinning the tires of the vehicle.

('90 Code, § 12-28) Penalty, see § 93.99  
§ 93.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is set forth shall be punished as provided in § 10.99.

(B) Any person violating § 93.20 et seq. shall be guilty of a misdemeanor, and shall be fined not more than \$250 dollars or imprisoned for not more than 30 days. (90 Code, § 12-29)