

TOWN OF BOLIVIA
ABATEMENT OF NUISANCES
ORDINANCE #4

Prepared by the

CAPE FEAR COUNCIL OF GOVERNMENTS
1480 Harbour Drive
Wilmington, NC 28401

and

Bolivia Planning Board

Russell Knowles, Chairman
Ken Mercer, Sr.
Gary Lesh
J. M. King
Marvin McKeithan

Date Apoted: September 11, 1995

Date Effective: September 11, 1995

The Cape Fear Council of Governments is a regional planning agency serving local governments in the North Carolina Counties of Brunswick, columbus, New Hanover, and Pender.

ORDINANCE # ~~200~~ 4

**ORDINANCE ESTABLISHING PROCEDURE
FOR THE ABATEMENT OF NUISANCES
IN THE
TOWN OF BOLIVIA**

WHEREAS, the Town of Bolivia does not currently have a process for the abatement of nuisances within the Town limits; and

WHEREAS, it would be in the best interest of the health, safety, and general welfare to establish a method of effectively dealing with nuisances;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Aldermen of the Town of Bolivia, North Carolina, that the following is adopted to handle nuisance situations in the Town of Bolivia:

SECTION 1. CERTAIN CONDITIONS DEEMED NUISANCE.

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:

- (A) The uncontrolled growth of noxious weeds or grass to height in excess of 24 inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (B) Any accumulation of rubbish, trash, or junk 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.
- (C) 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.
- (D) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish or similar items.
- (E) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

SECTION 2. INVESTIGATION OF CONDITIONS UPON NOTICE.

The Town Clerk, upon notice from any person of the possible existence of any of the conditions described in SECTION 1, shall cause to be made by the appropriate County Health Department official, or Town official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in SECTION 1.

SECTION 3. NOTIFICATION OF VIOLATION; RIGHT OF OWNER TO HEARING.

If it appears that such condition 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 such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

SECTION 4. ABATEMENT PROCEDURE.

- (A) If a determination is made that such conditions constituting a public nuisance exist, the Town Clerk shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice.
- (B) If the owner, having been ordered to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of said order, the Town Clerk shall cause said condition to be removed or otherwise remedied by having employees or agents of the Town to go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer of the law or employee of the Town or a private contractor. Any person who has been ordered to abate a public nuisance may within the time allowed by this chapter request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

SECTION 5. ASSESSMENT OF COST OF REMOVAL; LIEN.

- (A) 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 30 days from the receipt thereof.
- (B) In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after receipt of a statement of charges as provided for in SECTION 5 (A), 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. 160A-193.

SECTION 6. ADDITIONAL REMEDIES; CRIMINAL ACTION.

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

OFFICIAL MINUTES
BOLIVIA TOWN BOARD OF ALDERMEN

September 11, 1995

The Board of Aldermen met in regular session on the above date at 7:30 p.m. in the Town Hall, Bolivia, North Carolina.

PRESENT: Ina Mae Mintz
Guy H. Wescott
Sarah Knox

STAFF: Ina M. King, Town Clerk

ABSENT: Alice Lesh Russ
Ella Jane Wescott

Ina Mae Mintz, Mayor, called the meeting to order. Guy Wescott made a motion that the minutes of August 7, 1995 be approved as written. Sarah Knox seconded the motion. The vote of approval was unanimous.

TELEPHONE SERVICE WITHIN BRUNSWICK COUNTY

Mr. Tommy Robbins was present to explain the reason for the Resolution to extend area telephone services of local calling within Brunswick County. Mr. Robbins was also available for questions concerning the Resolution.

NOISES WITHIN THE TOWN

Hazel Cox was present to see if something could be done about the noises at Waste Industries late at night. Mrs. Cox stated her family was unable to sleep at night because of the loud operations that were being performed at the business all through the night. The Board suggested that a letter be drafted asking the business if they could prevent the loud noises after 11:00 p.m.

MINIMUM HOUSING CODE, JUNKED AND ABANDONED VEHICLES, AND NUISANCES ORDINANCES

Haskell Rhett, Director of Management Services with Cape Fear Council of Government, was present to review the comments made at the September 5, 1995 public hearing concerning the above subject ordinances. After a lengthy discussion and taking in consideration the comments at the Public Hearing on September 5, 1995, Guy Wescott made a motion to adopted the Minimum Housing Code Ordinance, Junked and Abandoned Vehicles Ordinance and the Nuisance Ordinance as recommended by the Planning Department without any changes. Sarah Knox seconded the motion. The vote of adoption was unanimous.

ADJOURNMENT

There being no further business the meeting adjourned at 8:52 p.m.

Mayor Ina Mae Mintz


Ina M. King, Town Clerk

NOW, THEREFORE, BE IT ORDAINED, by the Board of Aldermen of the Town of Bolivia, North Carolina, that the attached ABATEMENT OF NUISANCES is hereby adopted.

This the 11th Day of September, 1995

Mayor Ina Mae Mintz

ATTEST:



Ina M. King, Town Clerk