

TOWN OF FAIRVIEW NUISANCE ORDINANCE

Amended April 12, 2022

WHEREAS, pursuant to G.S. §160A-174, the Town of Fairview may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fairview as follows:

Definition

It shall be unlawful for the owner or occupant of any lot or parcel of land in the town to permit to exist on any such lot or parcel of land any condition which may be declared to be noxious, detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unattractiveness and livability of neighborhoods.

The existence of any of the following conditions as determined by the Land Use Administrator on any lot or parcel of land in the town upon receiving a written complaint is hereby declared to be noxious, detrimental to health and to constitute a nuisance and to be a violation of the provisions of this article.

1. When determined by the Land Use Administrator, it shall be unlawful to dispose or discard any litter on private property owned by someone else or on public property.
 - a. It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the town any litter in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property, or private property. Any unauthorized accumulation of litter is declared to be a public nuisance and is prohibited. "Litter" means any garbage, rubbish, trash, refuse, junk, mattresses, boxes, old clothes, rags, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, or any other combustible material or objects of like kind causing an accumulation of stagnant water; or causing or threatening to cause the inhabitation therein of mosquitoes, rats, mice, snakes or vermin of any kind. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina per G.S. 14-399i(4).

- b. Any unsecured building including, but not limited to houses, apartments, nonresidential buildings and accessory buildings, which contribute to or are likely to contribute to blighted neighborhood conditions such as vagrancy, trash accumulation, alcohol or illegal drug use, trespassing, prostitution, or other criminal activities.
 - c. An open or unsecured storage or collection place for chemicals, oils, gasoline, flammable liquids or other similar harmful or dangerous substances, gases or vapor. This would include a collection place for broken bottles, glass, tin, aluminum and other sharp, pointed, jagged or rusted metal.
2. Any unused, abandoned, or open water supply well which poses a potential hazard for water contamination or safety. This would include abandon swimming pools.
3. Any structure that is a residence or has been used as a residence, the remains of a structure, or portion thereof that is in a damaged condition as the result of fire, wind, flood, or other disaster that remains in an un-repaired state for a period of 120 days from the date of the disaster and that has one (1) or more of the following conditions:
 - a. Glass, metal or other sharp objects in an accessible area;
 - b. Unstable structures or damaged trees which may fall or collapse;
 - c. Holes, excavations, surviving foundations or walls that may collapse or create heights in excess of three (3) feet in areas where they may be scaled;
 - d. Any substance that is hazardous or harmful to humans or pets; and
 - e. Any open or accessible utility line such as natural gas, water, sewer or electrical.
 - f. As determined by the Land Use Administrator, an accumulation of debris from the demolition of any structure, including but not limited to partially demolished walls, foundations, basements, building materials and other rubbish after the cessation of all active demolition activity on the property.
4. As determined by The Land Use Administrator, a collection or storage place for junk, furniture, stoves, refrigerators and appliances, cans or containers, household goods or plumbing and electrical fixtures or other similar materials.
5. The practice of going in and upon private residences, business establishments, public buildings, public or city property or offices in the city, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, books, pictures, periodicals or anything whatsoever, not having been requested or invited so to do by the owner, manager or occupant of such private residence, business establishment, public building or office, or by the Mayor or Sheriff of Union County, for the purpose of soliciting orders for the sale of goods, wares, merchandise or anything whatsoever, or for the purpose of disposing of or peddling or hawking the same, is hereby declared to be a nuisance and punishable as this ordinance permits.
6. Any attempt by any person referred to obtain an invitation to visit any private residence, business establishment, public building, or office, by personal solicitation or promise of any demonstration, pecuniary benefit, advantage or any gift, shall be deemed a violation of the terms and provisions of this ordinance.

7. Any person who sells at wholesale directly to the dealer, for the ultimate purpose of resale by such dealer, is hereby declared to be within the right of interstate commerce and is excluded from the provisions of this ordinance. Any local Not-for -Profit is excluded from this ordinance.
8. **Growth of Weeds shall not apply to those lands certified, dedicated or designated by the city or other appropriate governmental agency as vegetative buffer, floodplain, stream buffer, open space or other natural or environmentally sensitive area established to protect the public or protect and preserve natural greenways, floodways, streams or water quality.**
9. As determined by the Fairview Land Use Administration or the Union County Sheriff's Department that noise from any motorized motor vehicle to include minibikes, four wheelers, cars with loud mufflers. This applies only to subdivisions with lots under 10 acres in size.

Notice to Abate

Whenever it shall come to the attention of the Land Use Administrator, as appointed Code Enforcer by the Town Council, that there exists on any lot or parcel of land in the town any of the conditions enumerated in this article, he shall forthwith give the owner a notice, in writing and by first class mail, that such condition(s) exist, and that the owner of same property shall have 30 days from the date of such letter, in which to remedy the stated violation(s). If not corrected, the town shall cause the violation to be remedied. The cost of such remedy will become a lien on the property until paid.

Appeal

The Resident or property owner may appeal the decision of the Land Use Administrator in writing within 15 days. The appeal will be heard within 45 days by the Board of Adjustment.

Chronic Violator: The town may notify a chronic violator that, if the violator's property is found to be in violation of section, the town shall, without further notice in the calendar year in which the notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property. The initial notice shall be served by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave a notice of violation at least once.

Abatement by Town

If the person upon whom such notice is served fails, neglects, or refuses to remedy such condition within the time allowed, the Land Use Administrator or designee appointed by the Town Council, shall cause such condition to be remedied. ***After five (5) days, the town may fine the owner and/or occupant up to \$50.00. After ten (10) days, the town may take any necessary action to remedy such condition.*** The expense of the action and a fine of \$500.00 shall be paid by the person in default. In the event charges for the removal or abatement of a public nuisance are not paid as

specified, such charges shall become a lien upon the land or premises where the nuisance occurred and shall be subject to collection as unpaid ad valorem taxes as provided in N.C. G.S 160A-193.

Right of Entry

For the purposes of enforcing the provisions of this article, the town Land Use Administrator may at all reasonable times enter in and upon any premises within his jurisdiction.

If any provision of this Ordinance is adjudged invalid or if the application there of to any person or in any circumstance is adjudged invalid; such invalidity shall not affect the validity of this ordinance as a whole or of any part, subpart, sentence, or clause thereof not adjudged invalid.

This Ordinance is adopted the 12th day of April and shall become effective the

12th day of April, 2010

_____ Town Clerk

Mayor

- Ordinance Amended September 13, 2010
- Ordinance Amended November 12, 2018
- Ordinance Amended May 11, 2021
- Ordinance Amended April 12, 2022