

Draft

Article 1. TITLE

NUISANCE AND GARBAGE CONTROL
ALLEGHANY COUNTY, NORTH CAROLINA

Article 2. AUTHORITY.

The authority for a county to regulate .

Article 3. JURISDICTION

This Ordinance shall apply to all areas of unincorporated Alleghany County, and including the extraterritorial jurisdiction of the Town of Sparta, North Carolina but not including the area inside the city limits of the Town of Sparta, North Carolina.

Nuisance Conditions

(A) Unlawful Conditions Enumerated

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety and general welfare of the inhabitants of the County and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declare unlawful:

1. Any accumulation of trash and/or garbage which is the result of the absence of trash or garbage containers, or overflowing or improperly closed trash or garbage containers;
2. Any accumulation of garbage, rubbish, trash, deceased farm animals, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation of therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.
3. The open storage of any discarded freezer, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items.

4. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the County Manager or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property enter the premises.
- (B) When any condition in violation of the section is found to exist, such persons as may be designated by the County Manager or the Board of Commissioners, shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the County may proceed to correct the same as authorized by this section. Service of such notice shall be by any of the following methods:
1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner;
 2. By depositing the notice at the United States Post Office addressed to the owner at his last known address with postage prepaid thereon;
 3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served my method (1) and (2).
- (C) If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the County Manager or designee may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected as set forth in NCGS 153A -193.
- (D) The procedure set forth in this chapter shall be in addition to any other remedies that may now and hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the County from proceeding in a criminal action against any person, firm or corporation violating the provisions of the chapter as provided in NCGS 14-4.

This ordinance shall become effective upon its adoption by the Alleghany County Commissioners.