

Chapter 7

HEALTH AND SANITATION

- Art. I. In General, §§ 7-1—7-19
Art. II. Cleanliness Of Premises; Littering, §§ 7-20—7-31

ARTICLE I. IN GENERAL

Sec. 7-1. Compliance with county health regulations.

It shall be unlawful for any person to violate any lawfully adopted rule or regulation of the county board of health, or regulations of the division of health services, North Carolina Department of Human Resources. The enforcement of these laws shall be the responsibility of the county health officer.

(Code 1976, § 9.1)

Sec. 7-2. Unlawful to hinder health officer or assistants.

It shall be unlawful for any person to hinder, obstruct or delay the county health officer or any of the health officer's assistants in the lawful discharge of their duties.

(Code 1976, § 9.2)

Sec. 7-3. Septic tank installation.

Septic tanks may be installed where the sanitary sewer is not reasonably accessible, provided such tank is constructed in accordance with the specifications of the state commission for health services and applicable county health regulations.

(Code 1976, § 9.7)

Cross reference—Septic tank pumpers, § 8-80 et seq.

State law reference—Improvement permit required where there is no approved sanitary sewer system, G.S. 130A-336.

Sec. 7-4. Unnecessary noise—Prohibited generally.

It shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the city. Noise of such character, intensity and duration as to be detrimental to the public health, welfare, and peace is hereby prohibited.

(Code 1976, § 11.33)

State law reference—Authority to regulate loud noises on streets and sidewalks, G.S. 160A-184.

Sec. 7-5. Same—Prohibited specifically.

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

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of such device for an unnecessary and unreasonable period of time.
- (2) The playing of any radio or television, or phonograph or other musical instrument in such manner or with such volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of resident.
- (3) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- (4) The use of any automobile, motorcycle, or other vehicle so out of repair, so loaded, or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.
- (5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- (6) The conducting, operating, or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom, between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, or on Sundays.
- (7) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or within one hundred fifty (150) feet of any hospital, which unreasonably and unnecessarily interferes with the working of such institutions, provided conspicuous signs are displayed in such streets indicating that such area is a school, court or hospital area.
- (8) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three (3) days or less while the emergency continues.
- (9) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(Code 1976, § 11.34)

Sec. 7-6. Same—Tests and standards.

(a) *Factors to consider:* The standards which shall be considered in determining whether a violation of sections 7-4 and 7-5 exist shall include but shall not be limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning of the area within which the noise emanates.
- (8) The density of inhabitation of the area within which the noise emanates.
- (9) The time of day or night the noise occurs.
- (10) The duration of the noise.
- (11) Whether the noise is recurrent, intermittent or constant.
- (12) Whether the noise is produced by a commercial or noncommercial activity.

(b) *Tables.*

TABLE I—LIMITING NOISE LEVELS FOR USE DISTRICTS

Octave band Center frequency Cycles Per Second	Maximum Permissible Sound Pressure (Levels in Decibels re 0.0002 Microbars)		
	<i>Residential</i>	<i>Use District Commercial</i>	<i>Manufacturing</i>
Below 75	65	79	80
75—150	60	74	75
150—300	55	66	70
300—600	55	59	64
600—1200	45	53	58
1200—2400	45	47	53
2400—4800	40	41	49
Above 4800	40	49	46

If the noise is not smooth and continuous, one (1) or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I.

TABLE II—TYPE OF OPERATION IN CHARACTER OF NOISE
(Correction in Decibels)

Noise source operated less than 20% of any one-hour period; plus 5*.

Noise source operated less than 5% of any one-hour period; plus 10*.

Noise source operated less than 1% of any one-hour period; plus 15*.

Noise of impulsive character (hammering, etc.): minus 5.

Noise of periodic character (hum, screech, etc.): minus 5.

*Apply one (1) of these corrections only.

If the noise occurs between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or at any time on Sunday or a holiday, seven (7) shall be subtracted from each of the decibel levels given in Table I.

(c) *Motorized vehicles.* It shall be unlawful to operate a motorized vehicle within the city limits which creates a noise or sound which exceeds the noise level limits set out in Table III below.

TABLE III—LIMITING NOISE LEVELS FROM VEHICLES

Trucks and buses:

Over 10,000 pounds:

93 dB(A) measured at 50 feet—Maximum allowable limit

97 dB(A) measured at 25 feet—Maximum allowable limit

Under 10,000 pounds:

80 dB(A) measured at 50 feet—Maximum allowable limit

86 dB(A) measured at 25 feet—Maximum allowable limit

Passenger cars:

78 dB(A) measured at 50 feet—Maximum allowable limit

84 dB(A) measured at 25 feet—Maximum allowable limit

Motorcycles, including other vehicles:

87 dB(A) measured at 50 feet—Maximum allowable limit

93 dB(A) measured at 25 feet—Maximum allowable limit

Sec. 7-7. Wrecked or junked vehicles.

(a) Definitions.

Junked motor vehicle. A vehicle that is partially dismantled or wrecked; or cannot be self propelled or moved in the manner in which it was originally intended to move; or is more than five (5) years old and worth less than one hundred dollars (\$100.00); or does not display a current license plate."

Special interest auto An antique or hobby vehicle being actively restored by its owner. Such vehicle may not be in running condition but shall be made to be in running condition within one year after being brought onto the premise. A vehicle that is not being actively restored shall be considered a junked motor vehicle.

(b) Regulations regarding keeping of wrecked or junked vehicles. Except as otherwise permitted in this section, within any zoning district, no stripped, partly wrecked or junked motor vehicle, or part thereof, shall be permitted to be kept out-of-doors on any street or lot. Each vehicle on the lot or street must display a current license plate or tag and have a current registration card and inspection sticker as required by the North Carolina State Department of Motor Vehicles. Individuals actively restoring special interest vehicles inside a garage or other approved enclosed structure are exempt from this regulation. Individuals actively restoring not more than one special interest auto outside of a garage or other enclosed structure are exempt from this regulation provided the auto is kept in a rear yard. A junked motor vehicle shall be considered any type of motorized vehicle that cannot be driven on the road or water.

(Ord. No. 0-53-97, §§ 1—3, 7-10-97)

Secs. 7-8—7-19. Reserved.

ARTICLE II. CLEANLINESS OF PREMISES; LITTERING***Sec. 7-20. Offensive matter on premises generally.**

No owner or occupant of any premises shall suffer to remain on premises owned or occupied by such person any decayed animal or vegetable matter, or any other thing which may be offensive or injurious to the health of persons in the vicinity; nor shall any person place or throw such offensive matter upon any street or alley or upon the premises of another person.

(Code 1976, § 9.4)

Sec. 7-21. Accumulation of refuse and weeds prohibited; removal.

No person shall permit any accumulation of waste or rubbish of any kind to remain upon any roof, yard, vacant lot or other open space. Every owner or occupant of property shall cut down and remove therefrom all weeds, grass, vines, and other growth, which endanger the same or any other property, or which are likely to be set on fire.

(Code 1976, § 4.23)

Cross reference—Use of containers required, § 8-151.

Sec. 7-22. Declaration of 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:

- (1) The uncontrolled growth of noxious weeds or grass to a height in excess of twenty-four (24) inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (2) 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.
- (3) Any accumulation of rubbish, trash, 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 therein of rats, snakes, or vermin of any kind which are dangerous or prejudicial to the public health.
- (4) Any condition detrimental to the public health which violates the rules and regulations of the county health department.

(Code 1976, § 9.21)

***Cross references**—Refuse in cemetery, § 5-2; disposal of building debris, § 8-159.

State law references—Regulating disposal of refuse, G.S. 160A-192; littering, G.S. 14-399, 14-399.1.

Sec. 7-23. Complaint and investigation.

The city clerk, upon notice from any person of the existence of any of the conditions described in section 7-22 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 as declared in section 7-22.

(Code 1976, § 9.22)

Sec. 7-24. Littering—Generally.

It shall be unlawful for any person to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of such private property, any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any type of litter.

(Code 1976, § 5.48)

State law reference—Municipal litter regulation, G.S. 160A-303.1.

Sec. 7-25. Same—From vehicles.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the city, or upon private property.

(Code 1976, § 5.49)

Sec. 7-26. Scrap on street right-of-way.

(a) It is unlawful for any person, including the governing body, agents or employees of the city, to place or leave or cause to be placed or left temporarily or permanently, any trash, garbage, scrapped automobile, or scrapped truck or part thereof, on the right-of-way of any street or public road of the city.

(b) The placing or leaving of the articles or matter forbidden by this section shall, for each day or portion thereof that articles of matter are placed or left, constitute a separate offense.

(Code 1976, § 5.50)

Sec. 7-27. Abatement of nuisances—Required.

The owner, lessee, tenant or occupant of any building or premises, where there shall be a nuisance or any violation of any ordinance relating to health and sanitation, shall be jointly and severally liable therefor and each of them may be required to abate the same or comply with the order of the appropriate enforcement official within the time specified within the order.

(Code 1976, § 9.3)

State law references—Abatement of public health nuisance, G.S. 130A-19; by local health director, G.S. 130A-19; authority of city to abate, G.S. 160A-193.

Sec. 7-27.1. Same—Notice; hearing.

If it appears that such [nuisance] conditions exist, the city 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 city staff at a place and time therein fixed, not less than ten (10) nor more than thirty (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 persons desiring to do so may attend such hearing and give evidence relevant to the matter heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

(Ord. No. 0-31-90, 1-4-90)

Editor's note—Ord. No. 0-31-90, adopted Jan. 4, 1990, added § 7-27A to the Code. In order to maintain the style of numbering in the Code, the editor has redesignated said new section as § 7-27.1 herein.

Sec. 7-28. Same—Order to abate.

If a determination is made that such conditions constituting a public nuisance exist, the city shall notify, in writing, the owner, occupant, or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the receipt of such written notice.

(Code 1976, § 9.23; Ord. No. 0-31-90, 1-4-90)

Sec. 7-29. Same—Failure of owner to abate.

(a) If any person, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from receipt of the order, the city shall cause such condition to be removed or otherwise remedied by having employees of the city go upon such premises and remove or otherwise abate such 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 request the city in writing to remove such condition, the cost of which shall be paid by the person making such request.

(c) Enforcement and penalties. 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 fifteen (15) days from the receipt of the order, in addition to other remedies cited in this article for the enforcement of its provisions and pursuant to G.S. 160A-175, the regulations and standards in this article may be enforced through the issuance of civil penalties by the city manager or designee.

Subsequent citations for the same violation may be issued by the city manager or designee if the offender does not correct the violation within three (3) days of the time specified therein (except as otherwise provided in a warning situation).

The following penalties are hereby established:

Warning citation	Correct violation within ten (10) days
First citation	\$25.00
Second citation for same offense	\$50.00

(Code 1976, § 9.24; Ord. No. CCTA-01-91, 8-8-91)

Sec. 7-30. Same—Recovery of cost.

(a) The actual cost incurred by the city 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 thirty (30) days from the receipt thereof.

(b) In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges, 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.
(Code 1976, §§ 9.25, 9.26)

Sec. 7-31. Same—Procedure is alternative to other authorized procedures.

The procedure set forth hereinabove shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and such provisions shall not prevent the city from proceeding in a criminal action against any person violating the provisions of this article as provided in section 1-8.
(Code 1976, § 9.27)

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