

Chapter 18

**HEALTH AND SANITATION\***

- Sec. 18-1. Enforcement—Generally.
- Sec. 18-2. Same—Interference.
- Sec. 18-3. Right of entry.
- Sec. 18-4. Violations.
- Sec. 18-5. Open wells.
- Sec. 18-6. Stagnant water.
- Sec. 18-7. Premises kept free from discarded appliances, vegetation, etc.
- Sec. 18-8. Public drains.
- Sec. 18-9. Weeds and undergrowth.
- Sec. 18-10. Home composting.

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\***State law references**—Municipal health ordinances, G.S. 160A-174; public health ordinance abatement of public health nuisances, G.S. 160A-193; placing refuse within town, G.S. 160A-303.1; public enterprises, G.S. § 160A-311 et seq.



**Sec. 18-1. Enforcement—Generally.**

The enforcement of this chapter shall be under the supervision of the town manager or designee with the aid and advice of the county health officer.

(Code 1982, § 10-1; Ord. No. 92-36, § 1, 6-11-1992)

**Sec. 18-2. Same—Interference.**

No person shall hinder, obstruct or delay the town manager or designee or any of his assistants in the lawful discharge of their duties under this chapter.

(Code 1982, § 10-2; Ord. No. 92-36, § 1, 6-11-1992)

**Sec. 18-3. Right of entry.**

The town manager or designee or any of his assistants shall have the right to enter, at any reasonable time, any premises for the purpose of making the inspections or investigations as required by this chapter.

(Code 1982, § 10-3; Ord. No. 92-36, § 1, 6-11-1992)

**Sec. 18-4. Violations.**

(a) Violations of the provisions of this chapter constitute a detriment, danger and hazard to the health, safety and general welfare of the inhabitants of the town and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. In case of a violation of the provisions of this chapter, the town manager or designee shall provide written notice, hereafter referred to as a correction notice, to the owner and any person in possession of the subject property naming the address of the property in violation, the specific violation, and time period in which the violation shall be abated.

(b) Should any owner or occupant fail or refuse to abate the violation within the time period specified in the correction notice, the manager may proceed to abate the violation without additional notice and the cost thereof shall be charged against the subject property. The manager shall deliver to the town finance director a statement showing the actual costs of the abatement of the unlawful condition plus an additional fee of ten percent of the total cleanup costs with a minimum of \$100.00 to cover the cost of notice and costs of collection. The town finance director shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon the property, and if not paid within 30 days shall be collected as in the manner provided for the collection of delinquent taxes. Nothing contained herein shall limit the authority of the town to summarily abate public health nuisances.

(Ord. No. 05-003, 2-24-2005)

**Sec. 18-5. Open wells.**

(a) No person, after discontinuing the use of any well, shall leave said well open and exposed.

(b) The use of a well shall be deemed to be discontinued when it shall not be used by a person dwelling on the land upon which the well is located for a period of more than 30 days.

(c) A well shall be deemed open and exposed when its use is discontinued unless:

(1) The mouth or top of such well shall be securely and carefully covered so as to permit the entry of an object no larger than 15 cubic inches in size.

(2) A fence or wall not less than three feet in height shall completely surround said well.

(d) An open and exposed well within the town, the use of which has been discontinued, is hereby declared to be a public nuisance.

(e) No person shall discontinue the use of any well within the town for a period of more than 30 days without:

(1) Carefully and securely filling the same.

(2) Covering the mound or top of such well and erecting a fence or wall surrounding the well as set forth in subsection (c) hereof.

(Code 1982, § 10-17; Ord. No. 92-36, § 1, 6-11-1992)

**State law reference**—Construction or abandonment of wells, G.S. § 87-83 et seq.

#### **Sec. 18-6. Stagnant water.**

No owner, lessee, tenant or occupant of any building or premises shall keep or permit thereon any standing water to be or remain in any pool, pond or open vessels or keep or permit thereon any decaying animal or vegetable matter or any substance injurious to health.

(Code 1982, § 10-18; Ord. No. 92-36, § 1, 6-11-1992)

#### **Sec. 18-7. Premises kept free from discarded appliances, vegetation, etc.**

(a) Every person owning or occupying any premises shall keep such premises free from all trash and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health, constitute a fire hazard or which may constitute a public nuisance or an attractive nuisance to children.

(b) Every person owning or occupying property shall dispose of all cut or fallen trees, stumps, limbs, leaves and all other vegetable matter or refuse, and the same shall not be permitted to remain upon any property within the town, except as provided for in this chapter for home composting [section 18-10].

(c) No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, stove or other container which has an airtight door or lid, snaplock or other locking device which may not be released from the inside, without first removing said door or lid, snaplock or other locking device from the icebox, refrigerator, stove or container.

(Code 1982, § 10-19; Ord. No. 92-36, § 1, 6-11-1992; Ord. No. 93-05, § 1, 2-11-1993)

**Sec. 18-8. Public drains.**

No person shall obstruct in any manner any street drainage ditch, gutter, drain or culvert so as to prevent the free flow of water therein; provided, that this shall not prevent the erection of footbridges over the ditches, gutters and drains along streets which have not been curbed and the gutters and drains along paving, of the width of three feet for pedestrian crossings to sidewalks leading to doorways, and bridges of the width of ten feet for vehicle crossings into lots where such crossings are required. Such bridges shall be so constructed as not to prevent the flow of water to or in gutters, ditches and drains.

(Code 1982, § 10-20; Ord. No. 92-36, § 1, 6-11-1992)

**Sec. 18-9. Weeds and undergrowth.**

No owner, lessee, occupant, or agent, servant, representative or employee of any lessee or occupant, having control of any lot or ground situated in the town, shall allow or maintain on any such lot any growth of weeds and undergrowth to a height of over eight inches. If any person shall fail, refuse or neglect to cut, destroy or remove such weeds within two days after the receipt of notice to do so given by the public works code enforcement officer, then the town, through its agents and employees, may enter upon such lot or premises for a depth of 50 feet from each abutting property line and cut and destroy such weeds and undergrowth for a depth of 50 feet from each abutting property line, and the cost and expense thereof shall be paid by the owner, lessee, occupant or agent, or it shall become a lien against such property in the same manner as for taxes. If the owner of the lot or ground, or his address, is unknown, the notice herein provided shall not be required. The property owner shall destroy all ragweed and other pollen-producing weeds growing on any lot or along or in the streets of the town before August 15 of each year.

(Code 1982, § 10-22; Ord. No. 92-36, § 1, 6-11-1992)

**Sec. 18-10. Home composting.**

(a) Home composting is a means of reducing the solid waste generated in the residential community. It is allowed in residential zoning districts when done as provided for in this section, by the owner or the occupant of the residential property upon which the home composting takes place. Home composting shall not be done by any business, commercial, industrial or institutional entity.

(b) Waste materials being composted must be generated on the property where the composting takes place.

(c) Composting activity shall not occur within 25 feet of any structure which is used for dwelling purposes.

(d) Materials being composted, which may attract animals such as dogs, cats, skunks, opossums or raccoons, shall be protected in such a manner so as to prevent access to the composting material by such animals.

(e) Materials being composted shall not include human body wastes; fecal wastes from dogs, cats, and other household pets; or meat or dairy waste products. Fecal wastes from chickens kept

in accordance with the provisions of the Land Development Ordinance may only be composted on the site where the chickens are being kept.

(f) Composting activity shall not create any condition where the material being composted may be blown from the residential lot upon which the composting is taking place.

(g) Composting activity shall not create any condition which is conducive to the existence and breeding of rodents or insects or otherwise create a condition which is hazardous to the health of the citizens.

(h) Composting activity shall not produce any odor whatsoever which is offensive to individuals living in the vicinity. That odor shall not be detectable by an odor detection and measurement device when such device is used on an adjacent lot. If composting is being done on a property on which more than one dwelling exists, the composting shall not create any detectable odor which offends the other inhabitants on the property.

(Code 1982, § 10-23; Ord. No. 93-09, § 1, 2-11-1993; Ord. No. 2012-Code-04, 8-23-2012)