

ORDINANCE NUMBER 1-05-23

**AN ORDINANCE CONCERNING THE AMENDMENT OF
PUBLIC NUISANCE CONDITIONS ON PRIVATE PROPERTY,
THE CODE OF ORDINANCES OF THE TOWN OF BUNN**

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-193, authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

WHEREAS, the Town of Bunn Board of Commissioners finds that it is in the public interest to amend the Town's Ordinances to provide more specificity as to the requirements for regulating public nuisance conditions on private property; and

WHEREAS, the Town of Bunn Board of Commissioners, after due notice, conducted a public hearing on the 22nd day of May, 2023, upon the question of amending the Town Ordinance in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, THE TOWN OF BUNN, NORTH CAROLINA:

PART ONE. That Public Nuisance Conditions on Private Property ordinance, the Code of Ordinances of the Town of Bunn, North Carolina, is hereby amended as follows:

" PUBLIC NUISANCE CONDITIONS ON PRIVATE PROPERTY

Section 2 Declaration of Public Nuisances, Subsection 1, is amended by adding the following language and the end of the paragraph.

" It shall be the duty of every person occupying, owning or having control of property abutting on a street or highway that utilizes a portion of the unused street or highway right-of-way as a yard or any other use to maintain said right-of-way in the same character and manner as the abutting use."

"Section 2-1. Complaints, investigation of public nuisances/Chronic Violator.

1. When any condition in violation of this ordinance is found to exist, the Code Administrator or such persons as may be designated by the Town Board of Commissioners shall give notice to the owner of the premises to abate or remove such conditions. 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 prior to a specified date, (no sooner than 10 calendar days after the notice is mailed and/or affixed to the property), the Town may proceed to correct the same as authorized by this ordinance. Service of such notice shall be by any one of the following methods.

- (a) 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.
- (b) By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.
- (c) 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 by method (a) and (b).

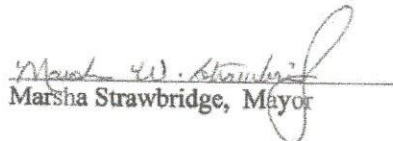
2. Where the enforcement official of the Town determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the enforcement official may amend the warning citation to provide for additional time.

3. The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of this chapter, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation. The expense of such action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three times under any provision of the public nuisance ordinance."

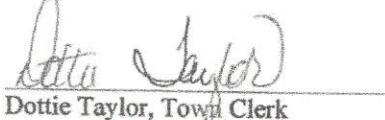
PART TWO. That all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PART THREE. That this Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Bunn, North Carolina.

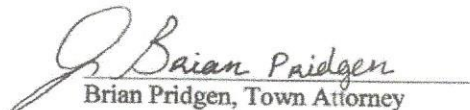
Adopted this 22nd day of May, 2023.


Marsha Strawbridge, Mayor

ATTEST:


Dottie Taylor, Town Clerk

Approved as to form:


Brian Pridgen, Town Attorney