

CHAPTER 9

PUBLIC HEALTH

Article I

LITTERING, CONTROL OF NOXIOUS GROWTHS

Sec. 9-1. Dumping or Littering on Public or Private Property

No person may place or discard any solid wastes on:

- (a) Any public street or sidewalk within the city or on any property owned or operated by the city or any other public property, except in properly designated receptacles; or
- (b) Any property without the consent of the owner, occupant, or lessee thereof.
(Note: NCGS 14-399 makes the acts prohibited in this section a misdemeanor, punishable by a fine of not more than \$200.00).

Sec. 9-2 Preventing Refuse on Right-of-Way

- (a) It shall be the duty of owners and occupants of real property within the city limits to prevent the accumulation of trash, limbs, rubbish and debris, particularly any accumulation of flammable wastes, from any roadway right-of-way abutting their property. Any occupant or owner of real property who fails to remove any such hazards within five (5) days after notice thereof by the city shall be in violation of this ordinance whereupon the city may correct the situation by removal of the hazard with the cost of such removal being assessed against the owner or occupant of the abutting property.
- (b) Any person, firm or corporation violating the provisions of this ordinance, shall upon conviction be guilty of a misdemeanor. (Ord. of 6-14-1974).

Sec. 9-3. Noxious Growth

- (a) No person may permit on premises under his control any growth of weeds, grasses, or other plants or bushes that becomes or threatens to become a fire hazard or a harboring place for rats, mice, snakes, or other vermin or otherwise poses a danger to public health or safety.
- (b) The existence of grass or weeds that exceed the height of twelve (12) inches over a large portion of the property shall be prima facie evidence of violation of this ordinance. If multiple adjacent parcels under singular ownership are found to be in violation of this ordinance, then each parcel shall be counted as an individual violation.
 - (1) Undeveloped parcels adjacent to improved property shall be cut in their entirety at least three times per year, as required during the mowing season of April through September (wooded lots exempt).

- (2) Undeveloped parcels larger than one acre and adjacent to improved properties shall be cut within 100 feet of such improved property and shall be cut at least three times per year, as required during the mowing season of April through September (wood lots exempt).
- (c) The owner of a property that is in violation of this ordinance shall be notified by first class mail of the violation of this ordinance. The property owner will have a maximum of ten days from the date postmarked on the notification to correct the violation.
- (d) The City of Archdale may, upon excessive delay in correcting the violation, either direct the Public Works Department or contract with a private firm to correct the violation. In such a circumstance the owner of the property will be responsible for paying the costs associated with correcting the violation in addition to an administrative fee. A late fee will be applied to the total if the bill for such work has not been paid after thirty (30) days of receipt.
- (e) A civil penalty of \$100.00 will be imposed upon repeat offenders of this ordinance. Repeat offenders shall constitute cases involving the same parcel, owner, and mowing season.

Sec. 9-4. Chronic Violator

- (a) A chronic violator is a property owner who, in the previous calendar year, that the City gave notice to abate at least three (3) times under any provision of this chapter.
 - (1) Upon determination of a chronic violator, the City shall notify the owner one (1) time at the beginning of the new calendar year via certified mail.
 - (2) After the above notice has been sent and received, the City shall, without further notice in the calendar year in which the notice has been given, take action to remedy the violation. This action will result in a lien upon the property and shall be collected as unpaid taxes.

Sec. 9-5 to 9-9. Reserved.

Article II

COLLECTION OF SOLID WASTE

Sec. 9-10 Definitions:

- (a) The following definitions shall apply in the interpretation and enforcement of this chapter:
 - (1) *Bulk Container* means a metal container made of watertight construction with sliding doors opening on two sides and hinged top, constructed so that it can be emptied mechanically by specially equipped trucks.

- (2) *City* means the City of Archdale.
- (3) *Construction or demolition* when used in connection with waste or debris means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.
- (4) *Garbage* means all solid waste that is capable of being decomposed of by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes and carcasses, including animal carcasses and recognizable industrial byproducts, but excluding sewage and human waste.
- (5) *Hazardous waste* means solid waste, or combinations of solid wastes, which because of its quantity, concentration, physical, chemical, or infectious characteristics may:
- a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (6) *Junk* means any object, thing, matter or substance that appears to a reasonable person to be of no economic value or worth. This shall include accumulations of rubbish and household waste that are normally stored for a short period to time before being disposed of by the property owner or occupant. This definition shall also apply to collections of motor vehicles, machinery, appliances, rags, cardboard and building materials.
- (7) *Medical waste* means any solid waste which is generated in the diagnosis, treatment, immunization of human beings or animals, in research pertaining thereto, or in the production or testing.
- (8) *Oil* means any oil, new or used, which been refined from crude oil or synthetic oil and, as a result of use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities and loss of original properties but which may be suitable for further use and is economically recyclable.
- (9) *Person* means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.
- (10) *Recyclable material* means those materials which are capable of being recycled, can be marketed at a value greater than the costs associated with processing and shipping that material to a buyer, and which would otherwise be processed and disposed of as solid waste.

- (11) *Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.
- (12) *Refuse* means solid waste that is not likely to become putrid or capable of being quickly decomposed by microorganisms.
- (13) *Rollout container* means a wheeled solid waste or recycling receptacle provided by the City or its contractor that can be serviced with automated collection system equipment.
- (14) *Rubbish* (See definition of junk)
- (15) *Solid waste* means any hazardous or non hazardous garbage or refuse.
- (16) *Special wastes* means solid waste that can require special handling and management, including white goods, whole tires, used oil, lead acid batteries and medical waste.
- (17) *Tire* means a continuous solid or pneumatic rubber covering intended to encircle the wheel of a motor vehicle.
- (18) *White goods* include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
- (19) *Yard waste* means solid waste consisting solely of vegetative matter resulting from landscaping maintenance, which includes but is not limited to tree limbs grass clippings, leaves, brush, etc.

Sec. 9-11 Garbage, Garbage Containers

- (a) Roll out garbage containers shall be provided by the City or its contractor and shall remain the property of the City or its contractor. Containers shall be maintained in a sound and serviceable condition such that they can be emptied with automated collection system equipment.
- (b) Each residential customer as defined in Section 9-14 (a) and business customer as defined by Section 9-14(c) shall be entitled to one container which shall be serviced, at curbside, once per week. One additional container may be available and may be provided for with an additional monthly landfill fee.
- (c) All household garbage and trash must be placed inside the roll out container to be serviced.
- (d) The following items are not accepted at regulated landfills and therefore should not be placed in containers:

- Yard waste
- Medical waste
- Construction and demolition materials

Auto parts and fluids
Hazardous waste
White goods

- (e) The City and the contractor reserve the right to temporarily suspend service when weather conditions make delivery of service unsafe.
- (f) Containers shall be placed at curbside for collection immediately prior to time of collection and shall be removed from the public area or way as soon as possible thereafter. However in residential areas, when collection time is prior to 8 a.m. containers may be placed in designated service areas the night before.
- (g) The schedule of days and collection times shall be available at the City Offices. Notices of changes or alterations to scheduled collection days will be distributed through local media outlets including the City web site, City cable television channel and/or utility bill inserts.
- (h) Containers, when placed for collection, must be placed such that they will not interfere with traffic on foot, in vehicles, or otherwise and can be serviced by an automated collection system vehicle without interference from utility poles, mailboxes, trees, and parked cars.

Sec. 9-12 Storage and Removal of Rubbish

- (a) Bulk handling or storage of refuse of any characteristic shall be subject to review by the City Council, and the owner or occupant of any industrial, commercial, or business establishment shall make provisions as the City Council may require for the sanitary storage and collection of such refuse.
- (b) The open storage of junk, solid waste, and refuse in the public view shall not be permitted.
- (c) In the interest of the health and safety of the community, excessive accumulations of junk, solid waste and refuse shall not be permitted to be stored on private property, regardless of the method and length of storage.
- (d) The owner of property that is in violation of this Ordinance shall be notified by first class mail of the violation of this section of the Ordinance. The property owner will have a maximum of ten days from the date postmarked on the notification to correct the violation.
- (e) A civil penalty of \$25.00 for the first day and \$10.00 for each subsequent day may be assessed for the violation of the provisions of this section of the Ordinance.
- (f) The City may, upon excessive delay in correcting the violation, remove the offending solid waste or refuse at the owner's expense. In such cases the owner must pay all costs associated with correcting the violation in addition to any assessed civil penalties.
- (g) Junk, solid waste and refuse shall be as defined in Sec. 9-10 (6), (12), (14) and (15).

Sec. 9-13 Collection of Recyclable Materials and Recycling Containers

- (a) Recyclable materials shall be placed in the roll out container provided to each residential and business customer by the City or its contractor. Containers shall remain the property of the City or its contractor. Residential customer shall be as defined by Section 9-14 (a) and business customer shall be as defined by Section 9-14 (c).
- (b) Recyclables shall be collected biweekly by the City or its contractor.
- (c) Recycling containers shall be placed at curbside for collection immediately prior to time of collection and shall be removed from the public area or way as soon as possible thereafter. However, in residential areas, when collection time is prior to 8 a.m. containers may be placed in designated service area the night before.
- (d) The schedule of days and collection times shall be available at the City Offices. Notices of changes or alterations to scheduled collection times will be distributed through local media outlets including the City web site, City cable television channel and/or utility bill inserts.
- (e) Recycling containers when placed for collection, must be placed such that they will not interfere with traffic on foot, in vehicles, or otherwise and can be serviced by an automated collection system vehicle without interference from utility poles, mailboxes, trees, and parked cars.
- (f) Recyclable materials and their subsequent resale value are subject to market economies, and therefore the items accepted for recycling may be changed, amended, or canceled as per the contracts with the City's recycling contractor.

Sec. 9-14 Customer Groups and Service Responsibilities

- (a) Residential customers are defined as those customers living in single family homes. Residential customers residing in single family homes shall have their garbage collected at the curbside once per week and their recyclable materials collected on a bi-weekly basis. A monthly charge approved by City Council shall be added to every utility bill as a special "Landfill Fee". A monthly charge approved by City Council shall be added to every utility bill as a special "Recycling Fee".
- (b) Residential customers (with bulk containers) are defined as those customers that currently receive garbage collection sponsored by the City and living in town homes and condominiums with dedicated onsite, off street parking facilities. A monthly charge approved by City Council shall be added to every utility bill as a special "Landfill Fee".
- (c) Business Customers (without bulk containers) are defined as those businesses that currently receive garbage collection as sponsored by the City. A monthly charge approved by City Council shall be added to every utility bill as a special "Landfill Fee". A monthly charge approved by City Council shall be added to every utility bill as a special "Recycling Fee".

- (d) Business Customers (with bulk containers) are defined as those businesses that currently receive garbage collection through a private collector and no expense to the City.
- (e) Apartments (without bulk containers) are defined as those apartments that currently receive garbage collection as sponsored by the City. Apartments without bulk containers shall have their garbage collected at the curbside once per week and their recyclables collected on a bi-weekly basis. A monthly charge approved by City Council shall be added to every utility bill as a special “Landfill Fee” and a monthly charge approved by City Council shall be added to every utility bill as a special “Recycling Fee”.
- (f) Apartments (with bulk containers) are defined as those apartments that currently receive garbage collection from private collectors at no expense to the City.
- (g) Industrial and Manufacturing customers are responsible for their own garbage collection and disposal at no expense to the City.

Sec. 9-15 Rules and Regulations Authorized

The City Manager may make such rules and regulations not inconsistent with this chapter as he deems advisable to safeguard the health and welfare of the citizens of the City in the disposal of solid waste.

Sec. 9-16 to 9-24. Reserved.

ARTICLE III

REMOVAL AND DISPOSITION OF ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

WHEREAS, the City Council of the City of Archdale is authorized by G.S. 160A-193, G.S. 160A-303 and G.S. 160A-303.2 to regulate, restrain or prohibit abandoned, nuisance and junked motor vehicles on public and private property within the City’s ordinance-making jurisdiction; and

WHEREAS, the City Council of the City of Archdale finds it necessary and desirable to promote or enhance:

- (1) The quality of urban attractiveness and aesthetic appearance of the City,
- (2) The protection of property values throughout the City,
- (3) The preservation of the livability and attractiveness of neighborhoods,
- (4) The promotion of tourism, conventions, and other opportunities for economic development of the City,

(5) The attractiveness of the City’s thoroughfares and commercial roads which present the primary, public visibility to visitors and passers-by of the City,

(6) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Archdale, North Carolina:

Sec. 9-25. Administration

The police department and Planning Director of the City shall be responsible for the administration and enforcement of this chapter. The police department shall be responsible for administering the removal and disposition of vehicles determined to be “abandoned” on the public streets and highways within the City, and on property owned by the City. The Planning Director shall be responsible for administering the removal and disposition of “abandoned”, “nuisance” or “junked motor vehicles” located on private property. The City may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the City police department in enforcing other laws or in otherwise carrying out their duties.

Sec. 9-26. Definitions

For the purpose of this chapter, certain words and terms are defined as herein indicated:

- (a) Abandoned vehicle. As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that:
 - (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
 - (2) Is left on a public street or highway for longer than seven (7) days; or
 - (3) Is left on property owned or operated by the City for longer than twenty-four (24) hours; or
 - (4) Is left on private property without the consent of the owner, occupant, or lessee thereof, for longer than two (2) hours.
- (b) Authorizing official. The supervisory employee of the police department or the City Planning Director, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.
- (c) Motor vehicle or vehicle. All machines designed or intended to travel over land by self propulsion or while attached to any self propelled vehicle.

(d) Junked motor vehicle. As authorized and defined in G.S. 160A-303.2 the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100).

(e) Nuisance vehicle. A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation over twelve (12) inches in height; or
- (3) A point of collection of pools or ponds of water; or
- (4) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
- (6) So situated or located that there is danger of it falling or turning over; or
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrid matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

Sec. 9-27. Abandoned Vehicle Unlawful; Removal Authorized

- (a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.
- (b) Upon investigation, proper authorizing officials of the City may determine that a vehicle is abandoned and order the vehicle removed.

Sec. 9-28. Nuisance Vehicle Unlawful; Removal Authorized

- (a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the City Planning Director may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Sec. 9-29. Junked Motor Vehicle Regulated; Removal Authorized

- (a) It shall be unlawful for the registered owner or person entitled to possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which the junked motor vehicle is located to leave or allow the vehicle to remain on the property after it has ordered removed.
- (b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- (c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements or concealment requirements of this section.
- (d) Subject to the provisions of subsection (e), upon investigation, the City Planning Director may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following among other relevant factors may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness, and emotional stability of area residents.
- (e) Permitted concealment or enclosure of junked motor vehicle:

- (1) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the City's Zoning Ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The City Planning Director has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.

- (2) More than one junked motor vehicle. Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit, and which has been constructed in accordance with all zoning and building code regulations.

Sec. 9-30. Removal of Abandoned, Nuisance, or Junked Motor Vehicles;
Pre-Towing Notice Requirements

Except as set forth in Section 7 below, an abandoned, nuisance, or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the name and mailing address of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by certified first class mail. The recipient of the notice shall have no fewer than seven (7) days after the delivery of the notice is certified by the United States Postal Service to remove the offending vehicle. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, the date mailed, and the certification of delivery. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the city on a specified date, no sooner than seven (7) days after the notice is affixed, unless the vehicle is moved by the owner or legal possessor prior to that time.

With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which no notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the decision that the vehicle is abandoned, a nuisance vehicle, or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the City Council in writing, heard at the next regularly scheduled meeting of the City Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Sec. 9-31. Exceptions to the Prior Notice Requirement

The requirement that notice be given prior to the removal of an abandoned, nuisance, or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances

where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- (a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the City Council hereby determines that immediate removal of such vehicles may be warranted when they are:
 - (1) Obstructing traffic,
 - (2) Parked in violation of an ordinance prohibiting or restricting parking,
 - (3) Parked in a no stopping or standing zone,
 - (4) Parked in loading zones,
 - (5) Parked in bus zones,
 - (6) Parked in violation of temporary parking restrictions imposed under code sections.
- (b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on city-owned property other than streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Sec. 9-32. Removal of Vehicles; Post Towing Requirements

Any abandoned, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the City, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the City. Whenever such a vehicle is removed, the authorizing City official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and

- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The City shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within seventy-two (72) hours of removal of the vehicle.

Whenever an abandoned, nuisance, or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing City official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

Sec. 9-33. Right to Probable Cause Hearing Before Sale or Final Disposition of Vehicle

After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the County Magistrate designated by the Chief District Court Judge to receive such hearing requests. The Magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11 as amended.

Sec. 9-34. Redemption of Vehicle During Proceedings

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this ordinance.

Sec. 9-35. Sale and Disposition of Unclaimed Vehicles

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the City and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

Sec. 9-36. Conditions on Removal of Vehicles from Private Property

As a general policy, the City will not remove a vehicle from private property if the owner, occupant, or lessee of such property could have the vehicle removed under applicable state law

procedures. In no case will a vehicle be removed by the City from private property without a written request of the owner, occupant, or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the City Planning Director. The City may require any person requesting the removal of an abandoned, nuisance, or junked motor vehicle from private property to indemnify the City against any loss, expense, or liability incurred because of the removal, storage, or sale thereof.

Sec. 9-37. Protection Against Civil or Criminal Liability

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance, or junked motor vehicle, for disposing of such vehicle as provided in this chapter.

Sec. 9-38. Exceptions

Nothing in this chapter shall apply to any vehicle: (1) which is located in a bona fide “automobile graveyard” or “junkyard” as defined in N.C.G.S. 136-143, in accordance with the “Junkyard Control Act”, N.C.G.S. 136-141, et seq.; (2) which is in an enclosed building; (3) which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the City.

Sec. 9-39. Unlawful Removal of Impounded Vehicle

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the City any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Article IV

CONDEMNATION, REPAIR AND DEMOLITION OF UNSAFE STRUCTURES

Sec. 9-40. Duty of Building Inspector

- (a) For purposes of this article, the building inspector shall be a duly authorized individual employed by the County of Randolph and certified in code enforcement by the North Carolina Code Qualifications Board, charged with building inspection responsibilities through the county under contract for the City of Archdale.
- (b) Any building or structure or part thereof, partially destroyed or otherwise, which is found by the building inspector to be in such a dilapidated state of disrepair or other substandard condition as to be dangerous to life, health or other property, or to constitute a fire or safety hazard or a public nuisance shall be declared by the building inspector to be unsafe.

- (c) Such unsafe condition may be caused by defective construction, overloaded structural parts, decay, susceptibility to fire, exits or any other hazardous conditions or circumstances.
- (d) The building inspector shall have authority, and it shall be his duty, to declare all such buildings or structures unsafe and to take appropriate action to have such conditions corrected or removed.
- (e) Such declaration by the building inspector shall constitute an order of condemnation for the purposes of this article.

Sec. 9-41. Duty of Owner; Procedure upon Owner's Failure to Comply

- (a) Whenever any building or structure has been condemned by the building inspector, and the existence of such building or structure in a dilapidated state of disrepair or other substandard condition is found and determined by the building inspector or, upon appeal from or report by the building inspector as hereafter provided, by the city council to be dangerous to life, health, or other property, or is in such condition as to constitute a fire or safety hazard or a public nuisance, the owner or owners of such building or structure shall be required to demolish and remove the same and remedy such conditions under the regulations and procedures herein provided; and in the event such owner fails or refuses to do so within the time directed by the building inspector or by the city council as hereinafter provided, the city council may in its judgment cause the same to be demolished and removed or cause such other steps to be taken as it may find to be necessary to suppress and abate the nuisance and remove the fire or safety hazard and danger to life, health or other property found to exist, and specially assess the cost and expense of doing such work against the lot or parcel of land on which such building or structure is located.

Sec. 9-42. Notice and Hearing by Building Inspector Prior to Action by City

- (a) Before any building or structure may be ordered to be demolished and removed as provided in the previous section, the building inspector shall notify the owner or owners thereof, in writing, by certified or registered mail to the last known address of such owner, or by personal service of such notice by the building inspector or authorized representative of the city, or by posting notice as hereinafter provided, that such building or structure is in such condition as appears to constitute a fire or safety hazard or dangerous to life, health or other property, or to be a public nuisance, and that a hearing will be held before the building inspector at a designated time and place no later than ten days after the date of such written notice, at which time the owner shall be entitled to be heard in person or by counsel upon all legal or factual questions relating to the matter and shall be entitled to offer such evidence as he may desire which is relevant or material to the questions sought to be determined or the remedies sought to be effected. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question for at least ten days prior to the date fixed for public hearing and a notice of the hearing is published one time in a newspaper having general circulation in the city at least one week prior to the fixed date of the public hearing. Such notice shall state

the address or location of the building or structure and the time, place and purpose of the hearing.

Sec. 9-43. Order by Building Inspector to Remedy or Demolish

- (a) If, upon such hearing, the building inspector shall find that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard or to be dangerous to life, health or other property, or is a public nuisance, he shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy such conditions so found to exist by demolishing and removing such buildings or structures or taking other steps as may be necessary to abate the nuisance and removing the hazards, within such period, not less than sixty days, as the building inspector may prescribe .

Sec. 9-44. Appeal from Decision of Building Inspector

- (a) The owner of any building or structure ordered by the building inspector to be demolished and removed, or who is directed by the building inspector to take any other steps to abate a nuisance or remove hazards found by the building inspector to exist, shall have the right to appeal to the city council; provided that such owner gives notice of appeal to the building inspector at the time of the hearing at which the order is made, or within ten days after such order is made, he files with the building inspector a written notice of such appeal. Notice of appeal shall state the grounds therefore. Unless an appeal is taken within the time and in the manner herein described, the action of the building inspector shall be deemed final, subject only to such action as the city council may take as herein elsewhere provided. Where an appeal has been properly taken and notice thereof given in accordance with the provision of this section, it shall be the duty of the building inspector to report the same to the city manager, who shall cause the matter to be placed on the council agenda for action by the city council at its next regular meeting. The city council shall have the right to continue the hearing of the appeal from time to time, in its discretion.

Sec. 9-45. Report by Building Inspector when Owner Fails to Comply

- (a) In the event the owner does not appeal from the final order or direction of the building inspector requiring that the building or structure be demolished and removed or the taking of other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with such order and direction, it shall be the duty of the building inspector to file a written report thereof with the city manager, who shall cause such report to be placed on the agenda for action by the city council at its next regular meeting or to some subsequent meeting to which the city council may continue the same. The building inspector shall mail a copy of the report by certified mail or registered mail to the owner at his/her last known address, or have a copy delivered personally to the owner. In said report, it shall specify the date of the meeting of the city council for which the matter will be docketed for action.

Sec. 9-46. Order by the Council on Noncompliance by Owner; Assessment of Cost

- (a) In all cases referred to in this chapter which reach the city council for action, either upon appeal of the owner from the ruling of the building inspector or upon report of the building inspector that the owner fails or refuses to comply with this order or direction, the council shall hear the matter, and if it finds and determines that the building or structure in question is in such dilapidated or substandard state of disrepair as to constitute a fire or safety hazard, or to be dangerous to life, health or other property, or is a public nuisance, and that the owner of such building or structure has failed or refused to abate the nuisance and has failed or refused to have such building or structure demolished and removed or has failed or refused to take such other action as may be necessary to abate the nuisance and remove the hazards found to exist, it may cause the demolition and removal of such building or structure to be done, or effect such other remedies as may be necessary to abate the nuisance and remove the hazards, and specially assess the cost of such work against the lot or parcel of land on which the building or structure was situated; and such assessment shall constitute a specific lien upon such lot or parcel of land which may be enforced by action in the name of the city.

Sec. 9-47. When Notice of Hearing by City Council Required

- (a) In cases in which the building inspector has been unable to give the owner actual notice of hearing in the manner provided, and has given such notice by posting and publishing the same as previously prescribed, and the owner has failed or refused to comply with the order or direction of the building inspector to demolish and remove the building or structure, or take such other remedial action as will remove the hazards, and such case is referred to the city council for action, the council before taking such action, shall cause to be posted on the outside of the building at least ten days before the date of the public hearing, and published one time in a newspaper of general circulation in the city, a written notice stating the address or location of the building or structure involved and the time, place, and purpose of the hearing, and other information the council may deem advisable.

Sec. 9-48. Presumption of Danger to Public

- (a) In all cases in which the city council, under the authority of this article, causes the demolition and removal of any building or structure to be carried out, or directs such other remedial steps to be taken as may be deemed to be necessary to abate the nuisance and remove the hazards, it shall be conclusively presumed that the public nuisance and the fire and safety hazard and danger to life, health or other property, created and maintained by the continued presence of such building or structure in such condition as is found to exist, constitute a clear and present danger amounting to a situation of emergency involving the public health, safety, and general welfare, which requires entry upon private property for the summary abatement and removal of such danger, in the public interest.

Sec. 9-49. Willful Failure or Refusal to Comply with Article

- (a) It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the building inspector or city council made by virtue and in pursuance of

this article, and any person violating this article shall, upon conviction, be punished as provided by NCGS 14-4 for violation of a municipal ordinance.

Article V

OUTDOOR BURNING

Sec. 9-50. Outdoor Burning Regulated

- (a) It shall be unlawful for any person to burn household garbage, trash, refuse, construction and demolition debris or yard waste of any kind.
- (b) It shall be unlawful for any person or firm engaged in clearing, grubbing, and grading operations to burn stumps, or other refuse as a result of those operations.
- (c) The following are exempt from this ordinance:
 - (1) Bona fide farms
 - (2) Outdoor grills and barbecues
 - (3) Contained fires for heat, including campfires, that are held in a fire pit constructed with steel, brick, rock, and/or masonry. Fire pits (or fire barrels) need to be smaller than 6 feet in diameter (measured from the edges of the pit).
 - (4) Fires purposely set by manufacturers of fire extinguishing materials or equipment testing labs, and
 - (5) Fires purposely set for the instruction and training of firefighting

All the above exempt provisions need to be attended to as stated in Section 307.5 of the North Carolina Fire Code. The fire must be constantly attended until extinguished. A minimum of 1 portable fire extinguisher or otherwise approved equipment, such as dirt, sand, water barrels, or garden hoses shall be made available for immediate utilization.

- (d) Per Section 307.3 of the North Carolina Fire Code, when open burning creates or adds to a hazardous situation, the fire code official is authorized to order the extinguishment of the open burning operation.
- (d) Any person violating this article shall, upon conviction, be punished as provided by NCGS 14-4 for violation of a municipal ordinance or under other state and federal laws as they may apply.

Article VI

BRUSH AND LIMB PICK UP

Sec. 9-51. Guidelines Established

- (a) The city shall provide brush and limb pick up for city residents at no charge.
- (b) The following guidelines and regulations shall be used in order to ensure proper and professional brush and limb pick up service:
 - (1) Limbs shall be cut in no more than six (6) foot lengths and placed at the curb or road edge.
 - (2) Brush/Limbs shall take no longer than thirty (30) minutes to remove.
 - (3) If Brush/Limbs are bundled, bundles shall be loose and not tied with wire or string.
 - (4) Brush/Limbs shall not be placed under trees, below power lines, or near mailboxes, vehicles, utility boxes, etc.
 - (5) Brush/Limbs shall not block sidewalks, drainage areas, or known utility easements.
- (c) All refuse (building rubbish, tree limbs, brush, etc.) and garbage generated by a contractor constructing, repairing, or removing a building or a contractor clearing land, cutting or trimming trees shall be collected, removed and disposed of by the contractor or property owner.

Article VII

LOOSE LEAF AND BAGGED YARD WASTE PICK UP

Sec. 9-52. Guidelines Established

- (a) The city may provide loose leaf and/or bagged yard waste pick up as staffing, equipment, and budgets allow. Loose leaves will be collected seasonally, typically from late fall till spring. When provided, bagged yard waste will be collected year-round as staffing, equipment, and budgets allow.
- (b) The following guidelines and regulations shall be used to ensure proper and professional loose leaf and bagged yard waste pick up services:
 - (1) Loose leaves shall be placed away from other loose brush and/or limbs as they are processed separately.
 - (2) Loose leaves shall be placed no further than 5' from the curb or road edge so that collection equipment can reach them.
 - (3) Loose leaves and bagged yard waste shall not be placed under trees, below power lines, or near mailboxes, vehicles, utility boxes, etc.

- (4) Loose leaves and bagged yard waste shall not block sidewalks, drainage areas, or known utility easements.