

CHAPTER 8

GARBAGE, REFUSE AND WASTE

For state law as to city solid waste disposal systems, see G. S., §§ 160A-311 to 160A-322.

As to director of public works generally, see §§ 2-33 to 2-35 of this Code. As to the beautification commission, see §§ 2-36 to 2-38. As to the maintenance of stables, etc., see § 3-13. As to removal of refuse, etc., from cemetery, see §§ 5-13 to 5-15. As to refuse and garbage disposal in mobile home parks, see § 12-20.

- § 8-1. Definitions.
- § 8-2. Director.
- § 8-3. Permit required for private waste collectors.
- § 8-4. Scavenging.
- § 8-5. Matter not acceptable for disposal in sanitary landfill.
- § 8-6. Pre-collection practices.
- § 8-7. Substances city will not collect.
- § 8-7.1 Charges for remediation of a violation by the City.
- § 8-8. Owner's duty to keep premises clean--Generally.
- § 8-8.1. Scrap materials: Declaration of policy.
- § 8-8.2. Accumulation of scrap materials.
- § 8-8.3. Upholstered or interior furniture and appliances.
- § 8-9. Abatement of Public Nuisances.
- § 8-10. Notice and Order to Abate.
- § 8-11. Appeal of order of Abatement.
- § 8-12. Abatement of Nuisance by City.
- § 8-13. Owner May Request Abatement by City.
- § 8-14. Charges for Abatement by City; Lien.
- § 8-15. Graffiti- Public Nuisance
- § 8-16. Penalties and remedies.
- § 8-17. Annual notice to chronic violators of public nuisance or overgrown vegetation in accordance with NCGS 160A-200.1.

ARTICLE I – DEFINITIONS AND COLLECTION PRACTICES

Sec. 8-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Collection Practices Policy. The policy, as amended from time to time, governing the pre-collection and collection of solid waste and other items by the city and governing items which the city will not collect. This policy is on file with the Director. (Adopted 1-28-2019.)

Container, bulk (also known as a dumpster). A metal receptacle of a size and design approved by the Director for use by business and industrial concerns. Bulk containers are further regulated by the Director in accordance with the Collection Practices Policy. (11-5-84) (Amended 1-28-2019.)

Container, refuse (also known as a rollout container). A rollout receptacle of metal or plastic construction having water tight fitting lids, handles sufficient for safe and convenient use, and a capacity of not less than ninety-five gallons. Rollout containers are issued by the City in accordance with the Collection Practices Policy. (Amended 1-28-2019.)

Garbage. All putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food in any private dwelling house, multiple dwelling, hotel, restaurant, building or other institution.

Recyclables. Materials suitable for treatment or processing for reuse. Recyclables are collected in accordance with the Collection Practices Policy. (Adopted 1-28-2019.)

Refuse, bulk. Discarded household furniture and appliances, bedding, and mattresses. (Amended 1-28-2019.)

Refuse, hazardous (also known as hazardous waste). Cleaning fluids, crank case oils, cutting oils, paints, plastics, explosives, acids, caustics, poisons, drugs, radioactive material, soiled infant diapers, feces, urine, and refuse of similar nature. (Amended 1-28-2019.)

Residential unit, multiple. A duplex, apartment or group of apartments under a single roof and used for dwelling places for more than one family.

Rubbish. Cardboard, plastic, metal or glass food containers, waste paper, rags, sweepings, small pieces of wood, excelsior, rubber, leather and similar waste materials that ordinarily accumulate around a home, business, or industry. Rubbish shall not include garbage, bulk refuse, dead animals, hazardous refuse, industrial waste or construction waste resulting from the building, addition to or alteration of any building.

Scrap materials. Any item creating a littered condition including, but not limited to, dilapidated furniture, appliances, machinery, equipment, building materials, automotive parts, tires, or other similar items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition. (Adopted 1-28-2019.)

Waste, building. Refuse or residue resulting directly from the building, construction, repair, demolition or alteration of any premises; from grading, stumping or other incidental work in connection with the clearing of any premises; or from replacement of building equipment or appliances. Building waste (also called building materials or construction waste) will not be collected except in accordance with the

Collection Practices Policy. (Amended 1-28-2019.)

Waste, industrial. Residue resulting directly from industrial or manufacturing operations. (4-11-66, § 1.)

Waste, yard. Leaves, grass, trees, shrubbery, and garden trimmings. Yard waste is collected in accordance with the Collection Practices Policy. (Adopted 1-28-2019.)

Sec. 8-2. Director.

The solid waste services director (“Director”) shall have the responsibility for and the jurisdiction of the collection, removal and disposal of all garbage, refuse, recyclables, rubbish, and other materials as outlined in the Collection Practices Policy within the city. (4-11-66, § 1.) (Amended 1-28-2019.)

Sec. 8-3. Permit required for private waste collectors.

No person other than employees of the Streets and Solid Waste department shall, for hire, collect, remove, haul or convey any type of garbage, refuse, rubbish, waste, recyclables, or similar matter through or upon the streets or alleys of the city without first obtaining a permit from the city manager. (4-11-66, § 1.) (Amended 1-28-2019.)

Sec. 8-4. Scavenging.

All materials delivered and deposited for collection by the city are the property of the city. No person shall separate, collect, carry off or dispose of such materials unless a permit is first obtained from the city manager. (4-11-66, § 1.) (Amended 1-28-2019.)

Sec. 8-5. Matter not acceptable for disposal in sanitary landfill.

N.C.G.S. 130A-309.10(f) (as amended from time to time) governs materials which are prohibited from disposal in landfills. It shall be unlawful for any person to deposit any materials governed by N.C.G.S. 130A-309.10(f) for collection by the city, unless as part of a special collection program of the city in accordance with the Collection Practices Policy. (4-11-66, § 1.) (Amended 1-28-2019.)

Sec. 8-6. Pre-collection practices.

- (a) Duty to use containers. It shall be unlawful for any person in possession, charge, or control of any place where garbage, recyclables, refuse, rubbish, or any other litter is accumulated or produced to fail to place the same in the proper container or to fail to maintain any such container in the proper location, as regulated by the Collection Practices Policy. Rollout containers used in the residential and city-served nonresidential garbage collection program are furnished by the city in accordance with the Collection Practices Policy and are the property of the city. The city does not provide bulk

container services, and establishments required by the Collection Practices Policy to have bulk containers shall be responsible to contract with private contractors for said service.

- (b) Special collection items. Yard waste, bulky items, and other special collection items of a size or quantity too large to be placed in containers may be placed at the front of the premises in the grass strip between the street and the sidewalk where such strips are available, otherwise they shall be placed off that portion of the street right-of-way normally used by vehicles, pedestrians or for surface drainage. Further regulation of such items and collection of such items by the city will take place in accordance with the Collection Practices Policy.
- (c) Other limitations. No person shall throw, dispose of, or sweep from any household, yard, sidewalk, or elsewhere, any garbage, rubbish, dirt, refuse, or similar matter into a storm drain, manhole, gutter, center strip, or any other storm water conveyance system (ditches, culverts, etc.) or onto a sidewalk or street, but shall deposit or dispose of the same as herein specified in this chapter. (4-11-66, §1) (amended 5-12-03)
- (d) Materials to be bagged. Some materials must be bagged or further prepared for collection as outlined in the Collection Practices Policy.

(Amended 1-28-2019.)

For state law as to placing of trash, refuse, etc., on right-of-way of public road, see G. S., § 14-399.

Sec. 8-7. Substances city will not collect.

The Streets and Solid Waste department shall neither pick up nor remove any of the following, and further it shall be unlawful for any person to deposit any of the following materials for collection by the city, unless as part of a special collection program of the city and/or strictly in accordance with the Collection Practices Policy:

- (a) Matter not acceptable for disposal at a sanitary landfill, as defined in Section 8-5 above.
- (b) Hazardous refuse or waste.
- (c) Commercial solid waste that will require the dumping of bulk containers.
- (d) Building waste.
- (e) Garbage, rubbish, recyclables, waste, and refuse not placed or stored

as required by the provisions of this chapter. (4-11-66, § i.)

- (f) Hot ashes or live coals.
- (g) Contagious Disease Material/Bio-hazardous Material as defined in the Collection Practices Policy.
- (h) Hypodermic instruments.
- (i) Industrial waste.
- (j) Junk appliances. It shall be further unlawful for any person to leave on any premises in a place accessible to children any appliances, refrigerator, or container, without first strapping or locking the same so that it is impossible for a child to obtain access to it or be trapped inside it.
- (k) Dangerous items such as broken glass, light bulbs, or sharp pieces of metal.

(Amended 1-28-2019.)

Sec. 8-7.1 Charges for remediation of a violation by the City.

- (a) Unless otherwise provided in this article, violation of any provisions of this article shall subject the violator to civil penalties in the following amount:
 - (i) Up to fifteen (15) pounds, first offense, \$100.00.
 - (ii) Up to fifteen (15) pounds, each subsequent offense, \$250.00.
 - (iii) Fifteen (15) pounds or more, first offense, \$200.00.
 - (iv) Fifteen (15) pounds or more, each subsequent offense, \$300.00.
- (b) The violator shall pay the citation and correct the violation within thirty (30) days after receiving the citation from the city.
- (c) The Director shall have authority to issue notices of violation and/or civil citations to any person if there is reasonable cause to believe that the person has violated any provisions of this article.
- (d) Any notice of violation or citation shall be delivered personally to the violator or shall be sent by registered or certified mail to the last known address of the violator. 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.
- (e) If the violator fails to pay the citation by the due date, the Director shall have authority to file a civil complaint for the unpaid citation. Additional penalties and remedies set forth in Section 8-16 of this chapter shall apply for violations

of this article.

(Amended 1-28-2019.)

ARTICLE II – OWNER’S DUTY TO KEEP PREMISES CLEAN

Sec. 8-8. Owner’s duty to keep premises clean--Generally.

All owners or occupants of any premises within the city shall keep the same free and clear from garbage, rubbish, refuse, waste, items specified in section 8-5 or section 8-7, and similar matter, except:

- (a) As stored, placed or permitted in this chapter;
- (b) As stored, or placed in an enclosed building; and
- (c) As stored, placed or permitted in connection with the operation of any business authorized in this Code. (4-11-66, § 1.) (Amended 1-28-2019.)

For state law as to authority of city to abate public health nuisances, see G.S., § 160A-193.

Sec. 8-8.1. Scrap materials: Declaration of policy.

The City Council hereby declares that the uncontrolled accumulation of scrap materials and dilapidated outbuildings, sheds, or similar structures, whether accessory to a principal structure or not, and appurtenances on any premises constitutes a danger to the health, safety, and welfare of the citizens of the city in that such accumulation and conditions can furnish shelter and breeding places for vermin; present physical dangers to the safety and well-being of children and other citizens; pose a danger of fire; and depreciate property values or cause a loss of business by detracting from the appearance and character of residential and commercial neighborhoods.

(Adopted 1-28-2019.)

Sec. 8-8.2. Accumulation of scrap materials.

- (a) No person may cause, suffer, or permit scrap materials to accumulate or remain on premises under his or her control unless the scrap materials are placed on the premises in compliance with all federal, state, and local laws, including this chapter, and are stored within a structure so as to minimize substantially the dangers set forth in Section 8-8.1.
- (b) No person may cause, suffer, or permit debris or discarded items to accumulate within the yard or unenclosed porches.

(Adopted 1-28-2019.)

Sec. 8-8.3. Upholstered or interior furniture and appliances.

- (a) Purpose. It is the intent of this provision to protect the health, safety, and general welfare of the public, preserve property values and rights of the individual and community, enhance community appearance and aesthetic well-being, and prevent potentially hazardous, unsafe, or unhealthy conditions.
- (b) Public nuisance. In addition to the public nuisances outlined in Section 8-9, the following conditions are hereby declared to be dangerous and prejudicial to public health or safety and to constitute a public nuisance and shall be prohibited:
- (1) Upholstered or other furniture designed or manufactured exclusively for indoor use left exposed in open areas, including porches.
 - (2) Any worn-out, deteriorated, or abandoned household or office furniture or appliances of any kind which are kept in open areas, including porches.
- (c) Penalties. Any violation of the provisions of this section shall follow nuisance abatement procedures as provided in Article III of this chapter. Other remedies provided for in this chapter, including civil penalties, may also be used in addition to any other remedy available to the city by law or by equity.

(Adopted 1-28-2019.)

ARTICLE III – PUBLIC NUISANCES

Sec. 8-9. Abatement of Public Nuisances.

The existence of any of the following conditions on any parcel of land, whether the same shall be developed or undeveloped, located within the corporate limits, is hereby declared to be dangerous and prejudicial to public health or safety and to constitute a public nuisance:

- (a) The uncontrolled growth of weeds, grass, vines, or other vegetation to a height of twelve inches (12”) or more located within one hundred feet (100’) of any residence, business, or public right of way, or located anywhere within a lot or parcel being one acre or less, causing or threatening to cause a hazard detrimental to the public health or safety. (Amended 11-11-08)
- (b) Any accumulation of animals or vegetable matter that is offensive by

virtue of odor or vapors or which is inhabited by rodents, snakes, or vermin of any kind.

- (c) Open wells.
- (d) An accumulation of stagnant water causing or threatening to cause inhabitation thereof by mosquito or mosquito larvae.
- (e) Any condition detrimental to the public health, safety and welfare or which violates the rules and regulations promulgated by the Gaston County health department, the State of North Carolina, or the federal government. (5-14-84)
- (f) Any accumulation of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, rubbish, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
- (g) Any furniture, appliances, or other metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.
- (h) Any accumulation of garbage, refuse, rubbish, waste, scrap materials, or similar items not placed or stored in compliance with Articles I or II of this chapter causing or threatening to cause a hazard detrimental to the public health or safety.

(Amended 1-28-2019.)

Sec. 8-10. Notice and Order to Abate.

- (a) For the purposes of this article, the respondent is the person in possession of the property where a public nuisance (as described in Section 8-9) is located as well as the owner of such property, if different from the former. The administrator shall have the responsibility for and the jurisdiction of remediation of conditions constituting a public nuisance under Article III of this chapter on property within the city.
- (b) Upon determination by the administrator that there exists on any property conditions constituting a public nuisance (as described in Section 8-9) the administrator shall notify the respondent by registered or certified mail to the address listed with the Gaston County tax department or by hand delivery notice of such conditions and shall order the abatement thereof within fifteen days (15) of receipt of said notice. Such notice shall include a statement informing the respondent of his or her right to appeal the order within fifteen days (15) of receipt of said notice in accordance with Section 8-11. If after

due diligence, the respondent fails or refuses to accept the notice by registered mail of the violation within ten days of mailing, cannot be personally served, or cannot be determined, then the notice required by this section shall be posted conspicuously on the offending property. (5-14-84)

(Amended 1-28-2019.)

Sec. 8-11. Appeal of Order of Abatement.

At any time before the expiration of the fifteen (15) day abatement period specified in Section 8-10(b), the respondent may request a hearing before the Zoning Board of Adjustment to appeal the finding of the administrator that a public nuisance as defined in Section 8-9 exists on the premises. The request for a hearing must be in writing and must be filed in the office of the City Manager. The City Manager shall fix a time for the hearings, and the initial abatement order shall be temporarily suspended pending such hearing. The hearing must be held by the Zoning Board of Adjustment within thirty-one (31) calendar days following receipt of the request for hearing by the office of the City Manager. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which support the abatement order. Upon completion of the hearing, the Zoning Board of Adjustment shall consider the evidence before it and shall then revoke the initial order, issue a final order which differs from the original order, or reinstate the initial order as a final abatement order. (5-14-84) (Amended 1-28-2019.)

Sec. 8-12. Abatement of Nuisance by City.

Upon the occurrence of either of the following conditions:

- (a) A hearing is requested and held under Section 8-11 above resulting in either a final order with modifications or reinstatement of the initial order as a final order, and such order is not complied with within fifteen (15) days from adjournment of the hearing; or
- (b) No hearing is requested or held, and the respondent 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 said order;

then the administrator shall cause said condition to be removed or otherwise remedied by having employees or contractors of the City go upon said premises and remove or otherwise abate such nuisance under supervision of an officer or employee designated by the administrator. (5-14-84) (Amended 1-28-2019.)

Sec. 8-13. Owner May Request Abatement by City.

The owner of property where a public nuisance has been found to exist under this

article may request the City in writing to remove such condition, at owner's own expense, which request the City may allow, in its discretion, if the City feels that the same is in the best interest of its citizens and if the City has the employees or contractors and equipment available to do such work. (5-14-84) (Amended 1-28-2019.)

Sec. 8-14. Charges for Abatement by City; Lien.

- (a) The actual cost incurred by the City in removing or otherwise remedying a public nuisance pursuant to Sections 8-12 or 8-13 shall be charged to the owner of the offending property, and the owner shall pay these charges within thirty (30) days after receiving from the City a statement of charges.
- (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 as under subsection (a), 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 North Carolina General Statute 160A-193. (5-14-84)

(Amended 1-28-2019.)

ARTICLE IV – GRAFFITI

Sec. 8-15. Graffiti- Public Nuisance.

- (a) Graffiti defined. Graffiti shall mean writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye or other similar substances on a public or private building, structure, property, sidewalks, streets, fences, walls, overpasses, or bridges. For the purpose of this chapter, graffiti shall include drawings, writings, markings, or inscriptions regardless of the content or the nature of materials used in the commission of the act.
- (b) Exemptions.
 - (1) Subsection (a) shall not be construed to include writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye or other similar substances to the extent it was created by the property owner or authorized in advance and in writing by the property owner. However, despite creation by the property owner or advance written authorization by the property owner, such writings, drawings, inscriptions, figures, or marks shall be considered unlawful graffiti subject to removal if the markings are deemed a public nuisance, otherwise unlawful, or present an imminent risk of danger to members of the public.
 - (2) Subsection (a) shall not be construed to prohibit temporary, easily removable chalk or other water-soluble markings on public or private sidewalks, streets or other paved surfaces which are used in

connection with traditional children's activities, such as drawings or bases for stickball, kickball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water-soluble markings used in connection with any lawful business or public purpose or activity.

- (c) Removal of graffiti. Any person owning property, acting as manager or agent for the owner of property, or otherwise in possession or control of property shall remove or effectively obscure any graffiti upon such property within thirty (30) calendar days from receipt of the notice described in Sec. 8-15.1(b). Failure to remove or obscure graffiti as outlined in this ordinance shall result in a fine of \$200 for each 30 calendar days the graffiti is not removed. (8-9-10) (Amended 1-28-2019.)

Sec. 8-15.1. Removal of Graffiti by City.

- (a) Notice. Whenever the city becomes aware of the existence of graffiti on any property, the city is authorized to remove the graffiti as set forth in this section after giving, or causing to be given, written notice to remove or effectively obscure such graffiti to the property owner, such property owner's manager or agent, or any other person in possession or control of the property. Whether to remove graffiti from public or private property shall be in the sole discretion of the city.
- (b) Method of notice. If the name and address of the property owner, manager or agent of the property owner, or person in possession or control of the property can be ascertained in the exercise of reasonable diligence, written notice shall be provided by personal service; or by certified mail; or by any manner of mailing that will establish confirmation of the delivery of the notice. Notice to any one of the individuals set forth above shall be deemed sufficient notice to remove or effectively obscure the graffiti. If such address information cannot be so ascertained, written notice shall be affixed to the property in a conspicuous place.
- (c) Entry onto premises. If graffiti is not removed or effectively obscured within thirty (30) calendar days from receipt of the notice described in subsection (b), the city may cause the graffiti to be removed or effectively obscured. In the interest of public welfare, the city is authorized to enter upon any public or private premises for the purpose of removing graffiti without obtaining additional process or authorization to do so provided that notice to remove or effectively obscure the graffiti has been given as described in subsection (b).
- (d) Obstruction. It shall be unlawful for any person to intentionally obstruct the city or the city's agent from entry onto any premises for the purpose of

removing or obscuring graffiti after written notice as described in subsection (b) has been provided.

- (e) Appeal procedure. A property owner, his agent or manager, or other person in possession or control of the property, may, within seven calendar days from receipt of the notice described in subsection (b), file an appeal with the city manager or his designee. Appeals shall be in writing and shall state the reasons for the appeal. If the party filing the appeal requests a hearing, such hearing shall be held by the city manager or his designee. If, on appeal, the city manager or his designee determines that the graffiti must be removed, the city manager or his designee may set a new deadline date for compliance or alternatively, authorize the city to proceed to remove or obscure the graffiti. The city shall not remove or obscure any graffiti during the pending of an appeal.
- (f) Emergency removal. If the city manager or his designee determines that any graffiti is a danger to the health, safety, or welfare of the public may immediately without notice abate the public nuisance and the city may cause the graffiti to be removed at the owner's expense.
- (g) Obstructing emergency removal of graffiti. It shall be unlawful for any person to intentionally obstruct the city or the city's agent from entry onto any premises for the purpose of removing or obscuring graffiti on an emergency basis.
- (h) No emergency appeal procedure. When the city manager or his designee determines that emergency removal is justified under this section, there is no appeal process regarding the decision to remove or obscure the graffiti.
- (i) Repair/restoration. In no case shall the city paint or repair any area obscured by graffiti more extensively than where the graffiti itself is located. The city shall not be required to restore the obscured area to its original condition (i.e., color, texture, etc.).
- (j) Charges for abatement by the City concerning Graffiti. The actual costs incurred by the City in removing or otherwise remedying graffiti pursuant to these sections shall be charged to the owner of the offending property, and the owner shall pay these charges within thirty (30) days after receiving from the City a statement of charges. In the event charges for the removal or abatement of graffiti are not paid within thirty (30) days after the receipt of a statement of charges as listed in this section, such charges shall become a lien upon the land or premises where the graffiti existed and shall be collected as unpaid taxes, as provided in North Carolina General Statute 160A-193. (8-9-10)

ARTICLE V – ENFORCEMENT

Sec. 8-16. Penalties and remedies.

- (a) A violation of any provision of Articles I or IV of this chapter shall be a misdemeanor, punishable by a fine of not more than \$500.00 and/or imprisonment of not more than twenty days. Pursuant to NCGS 160A-175(b), a violation of any provision of Articles II or III of this chapter shall not be a misdemeanor, and all criminal penalties for these violations as set out in NCGS 14-4 are hereby removed.
- (b) Upon a determination by the administrator pursuant to Article III of this chapter that conditions constituting a public nuisance exist on property and after proper notice is given pursuant to Section 8-10, the violator shall be subject to a civil penalty of \$50.00. Upon the issuance of the second nuisance notice of violation within 12 months of the first nuisance notice of violation, the violator shall be subject to a civil penalty of \$100.00. For each subsequent nuisance notice of violation occurring prior to the expiration of a 12-month period following issuance of the first nuisance notice of violation, the violator shall be subject to a civil penalty of \$200.00. If any such civil penalty is not paid within 30 days of the issuance of the citation, then the city may recover from the violator any such unpaid civil penalty in a civil action in the nature of a debt, pursuant to NCGS 160A-175(c).
- (c) Each day that any violation of any provision of this chapter continues after a person has been notified that such violation exists shall constitute a separate offense.
- (d) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.
- (e) The city may enforce this chapter by any one or any combination of the foregoing remedies, in addition to any other remedy available to it by law or by equity.

(Adopted 1-28-2019.)

Sec. 8-17. Annual notice to chronic violators of public nuisance or overgrown vegetation in accordance with NCGS 160A-200.1.

- (a) The administrator may notify a chronic violator of the public nuisance ordinance in Article III of this chapter that, if the violator's property is found to be in violation of the ordinance, the city shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.

- (b) 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.
- (c) The administrator may also give notice to a chronic violator of the overgrown vegetation ordinance in Article III of this chapter in accordance with this section.
- (d) For purposes of this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance, including the overgrown vegetation ordinance.

(Adopted 1-28-2019.)