

AN ORDINANCE AMENDING THE  
CODE OF ORDINANCES OF THE TOWN OF SPARTA  
WITH RESPECT TO NUISANCES AND WEEDS PROVISIONS

**BE IT ORDAINED** by the Town Council of the Town of Sparta, North Carolina, that the Code of Ordinances of the Town of Sparta be amended as follows:

**Part 1.** That Title IX – General Regulations, Chapter 92: Health and Sanitation; Nuisances, is hereby rewritten to read as follows:

Nuisance Conditions

(a) Unlawful Conditions Enumerated.

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

1. Within an area of residential or business property, any weeds or other vegetation having an overall height of more than eighteen (18) inches above the surrounding ground, provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; vegetation which borders streams and rivers to a distance of 25 feet from top of the streambank; income producing or farm-related products, to include hay and Christmas trees; and flowers, and growing and producing vegetable plants, to include community gardens.
2. Any accumulation of trash and/or garbage which is the result of the absence of trash or garbage containers, or overflowing or improperly closed trash or garbage containers;
3. Accumulation in an open place of hazardous or toxic materials and chemicals. **Toxic waste** is waste material that can cause death, injury or birth defects to living creatures. It spreads quite easily and can contaminate lakes and rivers and atmosphere. The term is often used interchangeably with “hazardous waste”, or discarded material that can pose a long-term risk to health or environment.
4. An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;
5. Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of

stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

6. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
7. The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items.
8. Any condition detrimental to the public health which violates the rules and regulations of the Alleghany County Health Department, and/or Appalachian District Health Departments.
9. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Manager or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
10. Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
11. The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.

(b) When any condition in violation of this section is found to exist, such persons as may be designated by the Town Manager or the Town Council, shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. 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 within ten (10) days, the Town may proceed to correct the same as authorized by this section. Service of such notice shall be by any of the following methods:

1. 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;
2. By depositing the notice at the United States Post Office addressed to the owner at his last known address with postage prepaid thereon;
3. 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 (1) and (2).

(c) If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town Manager or designee may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected as set forth in NCGS 160A-193. All such expenses shall constitute a lien against the property on which the work was done.

(d) The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the Town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in N.C. G. S. 14-4."

(e) In accordance with the NCGS 160A-175 and the Town of Sparta Code of Ordinance violation of this chapter shall subject the offender to the penalty provisions of section 10.99

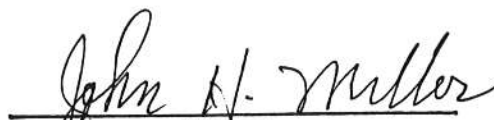
**Part 2.** All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Part 3.** This Ordinance shall become effective upon its adoption by the Town Council of the Town of Sparta, North Carolina.

**ADOPTED** this the 7th day of August, 2012

**ATTEST**

  
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Town Clerk

  
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Mayor