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## **CHAPTER 6 – HEALTH PROTECTION AND DISEASE PREVENTION**

### **6.100 An Ordinance of The Commissioners of The Town of Youngsville.**

- 6.100.1 Personnel of Health Department.** The Health Department of the Town of Youngsville shall be under the supervision and control of the County Board of Health, the County Health Officer, and such assistants or inspectors as are necessary for the proper administration of this chapter.
- 6.100.2 Enforcement of This Chapter Under the Supervision of County Health Officer.** The enforcement of this chapter shall be under the supervision of the County Health Officer.
- 6.100.3 Unlawful to Hinder Health Officer or Assistants.** It shall be unlawful for any person to hinder, obstruct or delay the County Health Officer or any of his assistants in the lawful discharge of their duties.
- 6.100.4 Right to Enter.** The County Health Officer or any of his assistants shall have the right to enter at any reasonable time any premises for the purpose of making the inspections or investigations as required by this chapter.
- 6.100.5 Removal of Nuisances.** The owner, lessee, tenant, or occupant of any building or premises where there shall be a nuisance or any violation of any ordinance of the Town relating to Health or sanitation shall be jointly and severally liable therefore and may be required to abate the same or comply with the order of the County Health Officer or his assistants within the specified time within the order.
- 6.100.6 Rubbish Placed on Streets or Sidewalks.** It shall be unlawful for any person to place in or on any street, sidewalk or alley, public highway or any private premises any rubbish, dirt or filth of any kind whatsoever, which would render the streets and premises unclean, except in proper receptacles accessible to Town garbage wagons.
- 6.100.7 Removal of Carcasses.** The owner of any animal which may die shall remove the carcass from the Corporate limits of the Town, where it shall be buried.
- 6.100.8 Stagnant Water on Premises.** No person shall knowingly and willfully permit any refuse or stagnant water to remain in any pool or receptacle on his premises after being notified to remove the same by the Police Department.
- 6.100.9 Hog Pens.** No person shall be permitted to keep or maintain any hog pen, or keep any hogs, within one hundred and fifty feet of the corporate limits.
- 1.12 6.100.10 Connection to Sewer Required.** An owner of any property located on or near any line of the sewerage system must connect with such sewerage all water closets, bath tubs, lavatories, sinks or drains upon their respective properties or premises, so that their contents will empty into such sewer.
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- (a) No person shall maintain or use a residence located within three hundred yards of another residence, that is not provided with sewerage, where such sewerage is available, or with Sewerage tanks, i.e., septic tanks, approved by the State Board of Health, or with Sanitary Privy which complies in construction and maintenance with the requirements of the State Board of Health.
- (b) No person shall, after having an outdoor privy condemned, rebuild said outdoor privy, but must connect to the town sewer system where such connection is available. If such connection is not available a Septic tank meeting all requirements of the State Board of Health must be built, or an outdoor privy complying with said Board of Health requirements.

### **GENERAL REGULATIONS**

#### **6.101 Enforcement of This Chapter Under Supervision of the Town Code Administrator.**

The enforcement of this chapter shall be under the supervision of the Town Code Administrator. The Town Code Administrator may delegate any of his functions and powers under this Chapter to such officers and agents as he may designate.

#### **6.102 Unlawful to Hinder Code Administrator or Designees.**

It shall be unlawful for any person to hinder, obstruct or delay the Code Administrator or his designees in the lawful discharge of their duties.

#### **6.103 Right to Enter.**

The Code Administrator or his designees shall have the right to enter at any reasonable time any premises for the purpose of making the inspections or investigations as required by this chapter, in accordance with applicable law.

#### **6.104 Public Nuisance Conditions, Private Property.**

##### **6.104.1 Administration.**

For the purpose of this Chapter, the term "nuisance" shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

##### **6.104.2 Declaration of Public Nuisance.**

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,

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safety, morals and general welfare of the inhabitants of the Town. They are hereby found, deemed and declared to be public nuisances wherever the conditions may exist within the incorporated limits as now or hereafter established. The creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

- (1) Any weeds or other vegetation having an overall height of more than ten (10) 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; and flowers and growing and producing vegetable plants. 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.
  - (2) Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.
  - (3) An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.
  - (4) An open place, collection, storage place or 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 collection.
  - (5) An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.
  - (6) 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.
  - (7) 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.
  - (8) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar
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condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property.

(9) A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.

(10) 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 Code Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(11) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.

(12) A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.

(13) Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.

(14) Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.

(15) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.

(16) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.

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- (17) Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.
- (18) 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.
- (19) Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.
- (20) 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:
- (a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
  - (b) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or
  - (c) In a condition allowing the collection of pools or ponds of water; or
  - (d) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
  - (e) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
  - (f) So situated or located that there is a danger of it falling or turning over; or
  - (g) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
  - (h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
  - (i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.
- (21) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.
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### **6.104.3 Complaint; Investigation of Public Nuisance**

When any condition in violation of this section is found to exist, the Code Administrator or such persons as may be designated by the Board of Commissioners 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 city may proceed to correct the same as authorized by this section. 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) 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.

### **6.104.4 Abatement Procedure.**

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 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. All such expenses shall constitute a lien against the property on which the work was done.

### **6.104.5 Procedure Is Alternative**

The procedure set forth in this Chapter shall be in addition to any other remedies that may now

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or hereafter exist under law for the abatement of public nuisances. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies as set forth in Chapter 12, 12.101, General Penalty, of the Code of Ordinances of the Town of Youngsville.

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**PART TWO.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**PART THREE.** If any , subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**PART FOUR.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

**PART FIVE.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 13<sup>th</sup> day of March, 2014.

**6.105 Human Waste.** No person shall urinate or deposit any human waste of any kind on any street, lot or premises except in approved sanitary facilities.

**6.106 Stagnant Water.** No person or occupant of any property shall allow stagnant water to accumulate or remain in cellars or anywhere on their property.

**6.107 Sale of Food – Repealed and Reserved**

**6.108 Construction Debris Containment Required**

(a) For the purpose of this , the following definitions may apply:

- (1) “Containment device” shall mean a mobile container designed for containment and/or disposal of construction debris, rubbish, trash, junk, and scrap materials. The containment device shall be constructed in such a manner as to effectively contain construction debris and shall have an attached lid or cover capable of preventing the escape of debris.
  - (2) “Construction site” shall mean each and every lot upon which a building, dwelling or structure is being or is intended to be constructed, renovated or demolished.
  - (3) “Construction debris” shall mean miscellaneous and various materials commonly discarded during the construction, renovation, or destruction of a dwelling or other structure, including but not limited to: shingles, scrap wood, packaging materials, nails, tarps, insulation, drywall, pain and stain containers, roofing materials, pipes, wires, hoses, tubing, electrical supplies, trash, paper products or similar items.
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- (4) "Lot" shall mean a parcel of land occupied or intended to be occupied, by a building and its accessory buildings, or by a group of dwellings and their accessory buildings, together with any open spaces.

(b) Construction debris containment device required.

- (1) A construction debris containment device shall be required for each and every construction site for the purpose of disposing of all construction debris. The construction debris containment device shall be installed or placed on site prior to commencement of the activity and shall remain on the construction site until such time as a certificate of occupancy has been issued by the Town or its agent. The construction debris containment device shall be regularly emptied and continually maintained in a neat and orderly condition. The Code Administrator shall determine if the construction debris containment device is in compliance with the intent of this .
- (2) It shall be unlawful for any person, firm, corporation, partnership or other entity to maintain a construction site without providing, at the construction site, a construction debris containment device as prescribed herein. It shall be unlawful to maintain a construction debris containment device which is not maintained as prescribed herein, regularly emptied and continually kept in a neat and orderly condition.

(c) Abatement Procedure.

If the owner of any property, or if any firm, corporation, partnership or other entity is found in violation of this Chapter and fails to comply with a notice given pursuant to this , 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 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. All such expenses shall constitute a lien against the property on which the work was done.

(d) Procedure Is Alternative

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. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies as set forth in Chapter 12, 12.101, General Penalty, of the Code of Ordinances of the Town of Youngsville."

**PART TWO.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

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**PART THREE.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**PART FOUR.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

**PART FIVE.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 13<sup>th</sup> day of March, 2014.

## **6.109 Abandoned, Junked and Nuisance Vehicles**

### **6.109.1 Administration.**

The Police Department and the Code Administrator of the Town 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 Town, and on property owned by the Town. The Code Administrator shall be responsible for administering the removal and disposal of "abandoned", "nuisance" and "junked" motor vehicles located on private property. The Town 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 Town Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

State law reference—Town authority for removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303 as amended. Town authority for regulation of abandonment of junked motor vehicles, G.S. 160A-303.2 as amended.

### **6.109.2 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 vehicle is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or

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- (2) Is left upon a public street or highway for longer than seven (7) days; or
  - (3) Is left upon property owned or operated by the Town for longer than twenty-four (24) hours; or
  - (4) Is left upon private property without the consent of the owner, occupant, or lessee thereof for longer than two (2) hours.
- (b) Authorized Official: The supervisory employee of the Police Department or the Town Code Administrator, respectively, designated to order the removal of vehicles under the provisions of this Chapter.
- (c) Motor vehicle or vehicle: All machines designed or intended to travel over land or water 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 move in the manner in which it originally was intended to move; or
  - (3) Is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).
- (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 which exceeds eight (8) inches in height; or
  - (3) In a condition allowing the 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, but not limited to, trunks or hoods; or
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- (6) So situated or located that there is a 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 putrescent matter of any kind; or
  - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
  - (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

**6.109.3 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 Town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

**6.109.4 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 Town Code Administrator 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.

**6.109.5 Junked Motor Vehicle Regulated, Removal Authorized.**

- (a) It shall be unlawful for the registered owner or 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 leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
  - (b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this Chapter.
  - (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
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motor vehicle is located to fail to comply with the location requirements or the concealment requirements of this Chapter.

(d) Subject to the provisions of subsection (e), upon investigation, the Town Code Administrator may order the removal of a junked motor vehicle found in violation of this Chapter to a storage garage or area. No such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the Code Administrator finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding 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 the area residents.

(e) Permitted concealment or enclosure of junked motor vehicles:

- (1) One junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Town Zoning Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an acceptable covering for not more than sixty (60) calendar days. Junked motor vehicles kept on the premises more than sixty (60) calendar days shall be kept inside a completely enclosed building. The Town Code Administrator 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.
- (2) Any one or more junked motor vehicle(s) kept for a period exceeding sixty (60) calendar days shall be kept within a completely enclosed building, as defined in the Town Zoning Ordinance.

#### **6.109.6 Removal of Abandoned, Nuisance, or Junked Motor Vehicles; Pre-Towing Notice Requirements.**

(a) Except as set forth in Section 6.109.7 below, an abandoned, nuisance, or junked motor vehicle which is to be removed shall be towed only after notice to the registered owner or

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person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and addresses 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 first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to whom and to which mailed, and the date mailed. 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 Town on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than seven (7) days after the notice is mailed or affixed, unless the vehicle is moved by the owner or legal possessor prior to that time.

- (b) With respect to abandoned vehicles on private property, nuisance vehicles and junked vehicles to which 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 determination 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 Town Clerk in writing, heard at the next regularly scheduled meeting of the Board of Commissioners, acting in the capacity of the Appeals Board, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

#### **6.109.7 Exceptions to 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 authorized 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 Board of Commissioners hereby determines that the 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.
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(5) Parked in bus zones, or

(6) Parked in violation of temporary parking restrictions.

(b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on Town-owned property other than the streets or 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 and maintain 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 location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

#### **6.109.8 Removal of Vehicles; Post-Towing Notice Requirements.**

Any abandoned, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner of the vehicle with 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 Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, indicating 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 from the 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 Town 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.

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#### **6.109.9 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 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.

#### **6.109.10 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 fees, 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 Chapter.

#### **6.109.11 Sale and Disposition of Unclaimed Vehicle.**

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 Town and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

#### **6.109.12 Conditions on Removal of Vehicles from Private Property.**

As a general policy, the Town 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 Town 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 Town Code Administrator. The Town may require any person requesting the removal of an abandoned, nuisance, or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

#### **6.109.13 Protection Against Criminal or Civil 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.

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#### **6.109.14 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 Town.

#### **6.109.15 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 Town, any vehicle which has been impounded pursuant to the provision of this Chapter unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

#### **6.109.16 Alternative Remedies.**

Nothing in this Chapter, nor any of its provisions, shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies, as set forth in Chapter 12, Section 12.101, General Penalties; Enforcement of Ordinances; Continuing Violations, of the Code of Ordinances of the Town of Youngsville."

**PART TWO.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**PART THREE.** This Ordinance shall become effective upon its adoption by the Town Board of Commissioners of the Town of Youngsville, North Carolina.

**PART FOUR.** If any , subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**PART FIVE.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

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**PART SIX.** This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 13<sup>th</sup> day of March, 2014.

### **GARBAGE AND REFUSE COLLECTION**

- 6.201 Definitions.** Garbage, as the term is used in this Article, shall be held to mean and include all refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any such matter has been put up or stored, and all rugs, waste paper, floor sweepings and other combustible refuse, except building material, scrapes and tree trimmings.
- 6.202 Garbage Required to be Promptly Removed.** No garbage that has become decayed or that shall otherwise be a menace to health, or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, cafe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter in this Article.
- 6.203 Garbage Rules.** The Town of Youngsville provides the following solid waste management services to all residential dwellings (except apartment complexes, which are defined further in 6.206) within the Town's corporate limits for the fees specified in the Town's fee schedule: [1] household trash collection; [2] household recycling collection; [3] bulky-item trash collection; and [4] yard waste collection (collectively, the "solid waste management program"). Participation in the Town's solid waste management program (and payment of associated fees) is mandatory for all residential dwellings within the Town's corporate limits (except apartment complexes, which are defined further in Section 6.206). If a property has multiple dwelling units, each individual unit – or each "front door" – is assessed a separate solid waste management program fee. More information on the Town's solid waste management program (including program rules, collection dates, and acceptable materials) may be obtained from Town staff. The size, type, dimensions, location, and number of receptacles at multi-family / multi-unit dwellings and complexes (of any size) is subject to approval and inspection by the Town to ensure proper waste management.
- 6.204 Deposit of Garbage in Public Places and on Private Property.** No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the city limits, except in garbage cans or garbage vehicles as provided in this Chapter.
- 6.205 Removal of Dead Animals.** A dead animal, not owned by or under the care of, the property owner will be removed by the Town.
- 6.206 Commercial Establishments and Apartment Complexes.**
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Any property with a single building that contains 3 or more dwelling units may be designated as an apartment complex. In the discretion of the town's planning and zoning officer, a property may be excluded from the designation where each dwelling unit on the property has been allotted sufficient space for roll carts to be placed out for safe and efficient waste pick-up by the Town and where roll carts may be safely and aesthetically stored away from the street or public vehicular area when not placed out for pick-up, or where use of a commercial container would present other relevant health or safety concerns.

Where refuse accumulates at apartment complexes and commercial establishments (e.g. stores, hotels, motels, theaters, office buildings, industries, and similar places), the owner(s) shall provide proper receptacles for trash and ensure proper and timely disposal. The size, type, dimensions, location, and number of receptacles is subject to approval and inspection by the town to ensure proper waste management, including, but not limited to, the following requirements:

1. Commercial establishments and apartment complexes that accumulate trash exceeding four (4) 30-gallon containers per week shall furnish commercial containers of a painted heavy gauge steel with a capacity of not more than eight (8) cubic yards and/or compactors. Businesses shall be permitted to share containers among two (2) or more businesses.
2. All waste receptacles (including roll-out containers, dumpsters, or compactors) shall be kept clean, with covers on and maintained in good condition and repair by the owner or user thereof.
3. All waste receptacles shall be kept in a place easily accessible to collection trucks at all times, and no establishment shall be allowed to obstruct or hinder the servicing of waste receptacles by collection trucks.

Under this section, the owners of commercial establishments and apartment complexes assume primary responsibility for the management of solid waste produced on their properties. However, the Town still maintains the authority to ensure waste does not become a menace to the public health. Thus, the Town will actively patrol and enforce minimum standards for waste management at such establishments. In cases where waste management at such establishments is determined to be unsatisfactory (by determination of the Town administrator, code enforcement officer, or designee) a notice of violation shall issue for such a violation.

As an exception to the penalties and procedures for enforcement enumerated in Chapter 12 of this Code, the following shall apply to each violation issued under this section:

1. due to the imminent public health risk posed by violations of this section, no warning citation shall be issued or required;
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2. notices of violation may be delivered by the most expedient means, as determined by the issuing official;
  3. the first violation issued to any property shall carry a civil penalty of two hundred fifty dollars (\$250.00);
  4. the second and all subsequent violations issued to any property shall carry a civil penalty of five hundred dollars (\$500.00);
  5. each day any single violation continues shall be a separate violation;
  6. a violation may be disputed by contacting the town within one day of the violation's issue, all violations shall be adjudicated by the town administrator, and if the town administrator vacates the violation the civil penalty shall also be vacated; and
  7. if a violation continues beyond a single day the town reserves authority to abate the violation and – in addition to all penalties – the town shall charge the property owner for all reasonable costs associated with the abatement.

#### **PRIVIES-SEPTIC TANKS**

- 6.301 Privies Regulated.** No privy of any kind shall be permitted in the Town of Youngsville where a town sewer is reasonably accessible. When privies are permitted they shall be constructed in accordance with the regulations of the North Carolina State Board of Health. Privies altered or reconstructed shall also conform to these regulations. See attached amendment.
- 6.302 Septic Tanks Regulated.** Septic tanks may be installed where sewer is not reasonably accessible, provided, such tank is constructed in accordance with the specifications of the North Carolina State Board of Health, and a permit therefore is issued by the Town Clerk.

### **CHAPTER 7 – BUSINESS AND TRADES**

#### **MAIN STREET SOCIAL DISTRICT**

**7.001 Social District.** Pursuant to NCGS § 8B-904.1; 160A-205.4, the following areas of Downtown Youngsville shall be designated as a Social District. College Street, North from the intersection of Oak Street to Main Street, thence west along the southern side of Main Street to Northwest Railroad street. From Northwest Railroad and Main Street, both the north and south sides of the blocks of Main Street to Cross Street.

**7.002 Hours of Operation.** The Social District shall be in effect from 4:00 PM to 9:00 PM on Thursday and Friday, as well as from noon to 9:00 PM on Saturday. A Social District will

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