

ORDINANCE #15-20:

AN ORDINANCE AMENDING CHAPTER 92 NUISANCES; ENVIRONMENTAL PROTECTION OF THE VILLAGE OF PINEHURST MUNICIPAL CODE.

THAT, WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the “Village of Pinehurst, North Carolina Municipal Code;” and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village of Pinehurst has updated its code enforcement process and details regarding deadlines for abatement need to be updated in the Pinehurst Municipal Code; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 17th day of November, 2015 as follows:

SECTION 1. That the following amendments be made to Chapter 92 NUISANCES; ENVIRONMENTAL PROTECTION, Sections 92.03 and 92.04:

§ 92.03 NOTICE AND ORDER TO ABATE.

(A) Upon a determination that conditions constituting a public nuisance exist, the Village Code Enforcement Officer shall notify, in writing, the owner of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within ~~15~~ **30** days from the receipt of the written notice. Receipt shall be deemed to occur on the third day after the date of the postmark if the notice is deposited in a United States Post Office.

(B) Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions, which result in the declaration of a public nuisance. Without limitation the Village Code Enforcement Officer, in ordering the abatement of a public nuisance, may require the removal of debris, rubbish, accumulations of animal or vegetable matter, growth of weeds and grass, burned or partially burned buildings and the like, the isolation of the condition to be abated so that access cannot be gained by persons or property which may be injured by the nuisance or other steps which are reasonably necessary to abate the nuisance.

§ 92.04 ABATEMENT BY VILLAGE.

(A) Generally.

(1) If any person, firm or corporation having been ordered to abate a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within ~~15~~ **30** days from receipt of the order given pursuant to § 92.03, the Village Code Enforcement Officer or his or her designee shall cause the condition to be removed or otherwise remedied by having employees of the village or independent contractors go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Village Manager.

(2) Any person who has been ordered to abate a public nuisance may, within the time allowed by this subchapter, request the village in writing to remove the condition, the cost of which shall be paid by the person making the request.

(3) In the event a local contractor cannot be obtained after a reasonable effort, the Village Manager shall be authorized to obtain the services of a contractor outside the immediate local area, and the costs thereof shall be deemed to be reasonable.

(B) Costs. The actual cost incurred by the village in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land; and it shall be the duty of the Finance Officer to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the mailing thereof. If the costs charged in accordance with this subchapter are not paid as herein stated, the costs shall become a lien upon the real estate and improvements, if any, on the real estate and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

SECTION 2. That this Ordinance amendment shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 17th day of November, 2015.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney