

ORDINANCE #232

Sec. 18-36. Title.

This article shall be known and may be cited as the "Blight Ordinance".
(Ord. No. 230, 1-4-10)

Sec. 18-37. Purpose.

The purpose of this article is to define, prohibit and abate blights and to protect, preserve, and promote public health, safety and welfare; and to preserve and protect property values within the town as authorized under G.S. § 7-148.
(Ord. No. 230, 1-4-10)

Sec. 18-38. Scope of provisions.

- (a) Nothing in this article shall limit the applicability or scope of state laws and/or town ordinances and regulations governing the use of real property, including regulations governing agricultural land, public or semipublic open space, and inland wetlands, watercourses and upland review areas.
- (b) Nothing in this article shall restrict the preservation through conservation easements of land in its natural state.
(Ord. No. 230, 1-4-10)

Sec. 18-39. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:
Blight or blighted :

- (a) Any structure which is in a state of dilapidation or decay; or is open to the elements as a result of damage, dilapidation or decay; or unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, or decay;
- (b) Premises occupied by a structure intended for human occupancy, in which weeds or similar vegetation (excluding flowers, fruits and vegetables, and areas maintained in their original naturally wooded state, or natural field state) is allowed to reach and remain at a height of 36 inches or greater for a period of thirty days or longer;
- (c) Dead, decayed, diseased or damaged trees constituting a hazard or danger to persons or property;
- (d) Two or more unregistered motor vehicles in the public view pursuant to G.S. § 14-150a;
- (e) Residentially zoned property with any combination of five or more pieces of mechanical equipment stored on the premises and in the public view;
- (f) Residential or commercially zoned property that has any of the following conditions:
1. Premises containing accumulated debris, not including compost piles or piles of grass and/or brush which are not visible from a public right-of-way and do not otherwise constitute a public health or safety hazard; or
 2. Landscaping, including but not limited to, trees, shrubs, hedges, grass, and plants, on any premises which physically hinder or interfere with the lawful use of abutting premises or block or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign.

Debris: Material which is incapable of immediately performing the function for which it was designed including, but not limited to, abandoned, discarded, or unused objects; junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage which are in the public view.

Decay: A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten as evidenced by the lack of maintenance including, but not limited to, the following conditions: missing or boarded windows and doors; collapsing or missing walls, roofs, seriously damaged or missing siding, gutters, a structurally faulty foundation.

Dilapidated: Decayed or rotten beyond repair.

Mechanical equipment: Any apparatus designed to operate by an internal combustion engine, or designed to be towed by an apparatus propelled by an internal combustion engine.

Natural field state: Areas where grass, weeds, and brush exist in their natural, unlandscaped state.

Natural wooded state: Areas where trees and brush exist in their natural, unlandscaped state.

Person: Any man, woman, corporation, or other legal entity capable of owning or leasing real property.

Premises: A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premises," where the context requires, shall be deemed to include any buildings, dwellings, parcels or land or structures contained within the scope of this ordinance.

Public view: Visible from any public right-of-way or neighboring property.

Structure: Any building, dwelling, fence, swimming pool, or similarly constructed object. (Ord. No. 230, 1-4-10)

Sec. 18-40. Prohibition against creation or maintenance of blight; responsibility for compliance.

(a) No person shall cause or allow blighted premises or structures to be created or maintained in the town.

(b) The owner of premises subject to this article shall be obligated to comply with the provisions of this article. In the event that the relevant building or structure or portion of a building or structure is known by the town manager or his designees to be occupied by or under the legal control or possession of a person other than the owner, the town manager or his designee may direct a similar notice and order to any such person whom they may reasonably believe to be fully or partially responsible for creating or maintaining the blighted condition. Each person receiving such notice and order shall be deemed to be jointly and severally liable for correcting the blighted or unsafe conditions. (Ord. No. 230, 1-4-10)

Sec. 18-41. Notice of violations.

(a) Complaints may be submitted to the town manager or his/her designee by members of the public, but to be timely and effectively investigated such complaints should be in writing and signed on forms provided by the town. Anonymous or unsigned complaints will be assigned a lower investigative priority and will be reviewed as time allows. Further, nothing in this article shall prohibit or prevent town staff from initiating an investigation.

(b) Whenever the town manager or his/her designee determines that there has been a violation of any such provision of this article, except as to section 18-39(d), such officer shall give notice of such violation to the person responsible therefore, as hereinafter provided. Such violation shall:

(1) Be in writing.

(2) Set forth the violations of this article.

(3) Specify a final date for the correction of any violation.

(4) Be served upon the owner or the owner's agent, or the occupant as the case may require; provided, such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is posted in a conspicuous place in or about the dwelling affected by this notice; or is sent by certified mail to the owner of the property at his or her last known address.

(5) State that the penalties and enforcement provisions of this article will become effective on the final date set for the correction of any violation.

(6) A notice of the right to appeal in accordance with section 18-43.

(c) Whenever the town manager or his/her designee determines that there has been a violation of subsection 18-39(d) pertaining to unregistered motor vehicles, such officer shall give notice of such violation to the person responsible therefore which notice shall be in compliance with subsection 18-41(a), except that:

(1) The notice shall specify that the owner has 30 days to correct the violation by removing the vehicle or registering it; and

(2) Notice of the alleged violation shall be published in a newspaper having a substantial circulation in the town.

(d) Any person notified in accordance with this section who fails to correct any violation by the date specified in said notice shall be in violation of this ordinance and subject to its penalties and enforcement procedures. Any person in violation of subsection 18-39(d) 30 days after notice of alleged violation in accordance with subsection 18-41(b) above, shall be subject to the removal and disposition of the unregistered motor vehicle.

(Ord. No. 230, 1-4-10)

Sec. 18-42. Special consideration.

Special consideration may be given to those who require it in order to correct a violation of this article. Specifically, the enforcement officer may grant a property owner additional time to correct a violation where the owner establishes good cause. As used in this section, "good cause" includes, but is not limited to, an elderly individual who is unable to personally correct a problem due to age, a disabled individual or other individual who is unable to personally correct a problem due to a medical condition, or an individual who earns a low income and is unable to correct a problem due to cost. In determining whether good cause exists, the enforcement officer shall consider whether other occupants of a property are able to assist in correcting the problem in a timely

fashion and whether the severity of the problem is such that additional time is not warranted. If the items designated as blighted have to do with lawn and shrub maintenance and/or keeping the grounds free from rubbish and debris, or constitute a fire or safety hazard, the enforcement officer shall not provide additional time to correct the problem.

(Ord. No. 230, 1-4-10)

Sec. 18-43. Appeals.

Any person notified in accordance with section 18-41 above may appeal said notice violation(s) to the building code board of appeals, in writing, within 10 days of the date of receipt of said notice or 20 days from the issuance of said notice, whichever is shorter. If an appeal is taken as aforesaid, the first day of violation shall be seven days after the decision of the building code board of appeals or on such later date as established by the building code board of appeals.

(Ord. No. 230, 1-4-10)

Sec. 18-44. Penalties and enforcement.

(a) *Penalties.*

- (1) Each violation of this article shall be considered a separate municipal offense.
- (2) Each day any violation continues shall constitute a separate offense.
- (3) Each separate offense under this article shall be punishable by a fine of \$100.00 payable to the town. Failure to pay fines when due may be enforced in the superior court, including the centralized infractions bureau.

(b) *Enforcement.*

- (1) The town manager, his/her designee, or any police officer in the town is authorized to issue a citation or summons for a violation of this article.
- (2) In addition thereto, the town manager, or his/her designee, is authorized to initiate legal proceedings in the superior court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs including costs of remedial action(s) authorized by the court and reasonable attorney's fees incurred by the town to enforce this article.
- (3) All fines, court costs, costs of remedial action, and attorney's fees, as ordered by the court, shall constitute a lien on the subject premises, provided the owner of said premises has been notified of the violations as herein provided and was made party to the enforcement proceedings. Any such lien shall be recorded on the Coventry Land Records.

(Ord. No. 230, 1-4-10)

Sec. 18-45. Entry, inspection and remediation.

If the town manager or his or her designee reasonably believes that blight exists on a property, he or she is authorized to enter the property during reasonable hours for the purpose of inspection and remediation of any blighted condition, provided such person shall not be authorized to enter any dwelling house or structure on the property.

(Ord. No. 230, 1-4-10, Ord. No. 232, 1-18-11)

Sec. 18-46. Other law.

(a) The provisions of this article shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than those provided for in this article.

(b) In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the town or state, the provision which establishes the higher standard for the promotion and protection of the health and safety, and property values of the people shall prevail.

(c) This article shall not affect violations of any other ordinances, code or regulation existing prior to the effective date of this Code, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

(d) Nothing in this article shall be deemed to prohibit the town, acting through its building official, from enforcing the provisions of sections 120.0 through 122.4 of the State Basic Building Code, as amended, as it applies to unsafe structures, fire-damaged structures or deteriorated structures and the demolition and/or removal of the same.
(Ord. No. 230, 1-4-10)

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