

CHAPER 92: COMMUNITY BEAUTIFICATION

Section

General Provisions

- 92.01 Definitions
- 92.02 Administration and enforcement
- 92.03 Notification
- 92.04 Abatement procedures

Abandoned Vehicles

- 92.20 Definitions
- 92.21 Abandoned vehicle unlawful; removal authorized
- 92.22 Nuisance vehicle unlawful; removal authorized
- 92.23 Junked motor vehicle regulated; removal authorized
- 92.24 Removal of abandoned, nuisance or junked motor vehicles; pre-towing
Notice requirements
- 92.25 Exceptions to prior notice requirements
- 92.26 Removal of vehicles; post-towing notice requirements
- 92.27 Right to probable cause hearing before sale or final disposition of vehicle
- 92.28 Redemption of vehicle during proceedings
- 92.29 Sale and disposition of vehicle
- 92.30 Conditions on removal of vehicles from private property
- 92.31 Protection against criminal or civil liability
- 92.32 Exceptions
- 92.33 Unlawful removal of impounded vehicle
- 92.34 Administration and enforcement

Maintenance of Premises; Nuisances

- 92.40 Nuisances
- 92.41 Duty to keep premises clear of weeds and the like
- 92.42 Restrictions for growth of weeds, grass or the like
- 92.43 Disposal of tree trimmings and similar materials
- 92.44 Grass clippings and leaves
- 92.45 Blockage of storm drains
- 92.46 Junk
- 92.47 Indoor furniture, appliances, and other items on porches and other outdoor
areas a nuisance

- 92.99 Penalty

GENERAL PROVISIONS

§ 92.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BULK REFUSE: All leaves, grass, trees, shrubbery and garden trimmings, discarded household furniture and appliances, beddings, mattresses and non-putrescible wastes.

CONSTRUCTION WASTE: Refuse or residue resulting directly from the building, construction, repair, demolition or alteration from grading, stumping or other incidental work in connection with the clearing of any premises or from the replacement of building equipment or appliances.

GARBAGE: All putrescible animal or vegetable wastes resulting from the preparation, cooking and consumption of food in any private dwellings, hotels, buildings, public or private establishments, restaurants, other institutions and all residences.

HAZARDOUS REFUSE: All cleaning fluids, crankcase oils, cutting oils, paints, drugs, plastics, explosives, acids, caustics, poisons, infected materials, radioactive materials or any materials of a similar nature.

INDUSTRIAL WASTE: Residue resulting from industrial or manufacturing operations.

LITTER: All rags, cardboard, plastic, wastepaper, rubber, metal or glass containers, small pieces of wood, sweepings, excelsior, leather or similar wasted materials that ordinarily accumulate around the home, business, industry or vehicle.

REFUSE CONTAINER: A receptacle of metal or plastic construction having watertight and rodent proof lids, handles sufficient for safe and convenient use and a capacity of not less than ten gallons nor more than 30 gallons.

RESIDENTIAL UNIT, MULTIPLE: An apartment or group of apartments under a single roof and used for dwelling places for more than one family

RESIDENTIAL UNIT, SINGLE: A dwelling which is occupied by only one family.
(Ord. 88-07, passed - -)

§92.02 ADMINISTRATION AND ENFORCEMENT

- (A) The administration and enforcement of the provision of this chapter shall be the duty of the Codes Enforcement Officer or other such person or persons as authorized by the City Manager.

- (B) The Codes Enforcement Officer shall have the authority to summarily remove, abate or remedy any situation or use within the City limits considered by this Code or any other ordinance to be either dangerous or prejudicial to the public health or welfare or which has been declared to be a public nuisance.
(Ord. 88-07, passed - -)

§92.03 NOTIFICATION

It shall be required of the Code Enforcement Officer or any other person so authorized by the City Manager to give notice in writing to the specified person, firm, organization, corporation, agents or employees thereof any violation of the provisions of this chapter directing that within a time specified the use or conditions which are in violation shall be abated.
(Ord. 88-07, passed - -)

§92.04 ABATEMENT PROCEDURES

(A) Should the specified firm, person, organization, corporation, agents or employees thereof found in violation of the provisions of this chapter refuse or fail to abate the condition or use, the City, acting through the Codes Enforcement Office, shall proceed to remove, abate or remedy the situation and the cost shall be paid by the firm, person, organization or corporation in default.

(B) Should the person, firm, organization or corporation fail or refuse to pay the costs for abatement it shall be charged as a lien against the premises or property where such violation originated and shall be collected as unpaid taxes. The notice shall be mailed by certified mail with a return receipt to the firm, organization, person or corporation responsible for the violation.

(C) Any such person, firm, organization or corporation who shall be found guilty of a violation of any of the provisions of this chapter shall also be guilty of a separate violation for each and every day the violation remains unabated after subsequent notification of such violation. Any such fines or civil penalties that are applicable for such violation shall be charged for each and every day that the violation remains unabated.

(D) Court actions involving such violations may be initiated by such methods as a lawsuit, warrant or ticket depending upon the violation and the circumstances.
(Ord. 88-07, passed - -)

ABANDONED VEHICLES

§ 92.20 DEFINITIONS

For purpose of this chapter, certain words and terms are defined as herein indicated.

ABANDONED VEHICLE: As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on a public street or highway for longer than seven days, or
- (3) Is left on property owned or operated by the City without permission for longer than 24 hours;
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two hours.

AUTHORIZING OFFICIAL: The supervisory employee of the Police Department or the City Codes Enforcement Officer, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

MOTOR VEHICLE OR VEHICLE: All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

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 moved 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 \$100.

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 over eight inches in height; or
- (3) A point of 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 trunks, hoods, etc.; or
- (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 putrescible matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

(Ord. 92-13, passed 11-02-92)

§92.21 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 City may determine that a vehicle is an abandoned vehicle and order the vehicle removed.
(Ord. 92-13, passed 11-02-92) Penalty, see §92.99

§92.22 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 City Codes Enforcement Officer 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.
(Ord. 92-13, passed 11-02-92) Penalty, see §92.99

§92.23 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 public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.
- (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 motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.
- (D) Subject to the provisions of division (E), upon investigation, the City Codes Enforcement Officer may order the removal of a junked motor vehicle as defined in this chapter after finding 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 be 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 area residents.
- (E) (1) Permitted concealment or enclosure of junked motor vehicle:
 - (a) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the City's Zoning Ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.
 - (b) More than one junked motor vehicle. Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.
- (2) The City Codes Enforcement Officer has the authority to determine whether any junked motor vehicle is adequately concealed as defined by this section. The covering must remain in good repair and must not be allowed to deteriorate.
(Ord. 92-13, passed 11-02-92) Penalty, see §92.99

**§92.24 REMOVAL OF ABANDONED, NUISANCE OR JUNKED MOTOR VEHICLES;
PRE-TOWING NOTICE REQUIREMENTS**

- (A) Except as set forth in §92.25, an abandoned, nuisance or junked motor vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing 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 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 city on a specified date (no sooner than seven days after the notice is affixed). The notice shall state that the vehicle will be removed by the City on a specified date, no sooner than seven days after the notice is affixed or mailed, 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 motor 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 City Council, in writing, heard at the next regularly scheduled meeting of the City Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Ord. 92-13, passed 11-02-92)

§92.25 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT

- (A) 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 obstruction or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records.
- (B) Circumstances justifying the removal of vehicles without prior notice includes:
 - (1) *Vehicles abandoned on the street.* For vehicles left on the public streets and highways, the City Council hereby determines that immediate removal of such vehicles may be warranted when they are:
 - (a) Obstruction traffic;
 - (b) Parked in violation of an ordinance prohibiting or restricting parking;
 - (c) Parked in no-stopping or standing zone;
 - (d) Parked in a loading zone;
 - (e) Parked in bus zones; or
 - (f) Parked in violation of temporary parking restrictions imposed under code sections.
 - (2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on City-owned property other than the streets and 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 a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

(Ord. 92-13, passed 11-02-92)

§92.26 REMOVAL OF VEHICLES; POST-TOWING NOTICE REQUIREMENTS

- (A) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the City, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the City. Whenever such a vehicle is removed, the authorizing City Official shall immediately notify the last known registered owner or the vehicle, 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.
- (B) The City shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in divisions (A)(1) through (A)(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.
- (C) If the vehicle is registered in North Carolina, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.
- (D) Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing City Official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify the owner of the information set forth in Divisions (A)(1) through (A)(5) above.
(Ord. 92-13, passed 11-02-92)

§92.27 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE

- (A) After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle.
- (B) 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 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of state law.

(Ord. 92-13, passed 11-02-92)

§92.28 REDEMPTION OF VEHICLE DURING PROCEEDINGS

- (A) 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 fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to tow truck operator or towing business having custody of the removed vehicle.
- (B) 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.

(Ord. 92-13, passed 11-02-92)

§ 92.29 SALE AND DISPOSITION OF UNCLAIMED VEHICLE

Any abandoned, nuisance or junked motor vehicle which is not claimed by 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 City and in accordance with G.S. Article 1 Ch. 44A.

(Ord. 92-13, passed 11-02-92)

§92.30 CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY

- (A) As a general policy, the City 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 City 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 City Codes Enforcement Officer.
- (B) The City may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the City against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

(Ord. 92-13, passed 11-02-92)

§92.31 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.

(Ord. 92-13, passed 11-02-92)

§92.32 EXCEPTIONS

Nothing in this chapter shall apply to any vehicle:

- (A) Which is located in a bona fide “automobile graveyard” or “junkyard” as defined in G.S. 136-143, in accordance with the “Junkyard Control Act,” G.S. 136-141, et seq.;
- (B) Which is in an enclosed building.
- (C) 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
- (C) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the City.
(Ord. 92-13, passed 11-02-92)

§92.33 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 City any vehicle which has been impounded pursuant to the provisions of this Code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

(Ord. 92-13, passed 11-02-92)

§92.34 ADMINISTRATION AND ENFORCEMENT

- (A) The Police Department and Codes Enforcement Officer of the City 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 City, and on property owned by the City. The City Codes Enforcement Officer shall be responsible for administering the removal and disposition of “abandoned,” “nuisance,” or “junked motor vehicles” located on private property.
- (B) The City may, on an annual basis, contract with a 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.
- (C) Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the City Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.
(Ord. 92-13, passed 11-02-92)

MAINTENANCE OF PREMISES; NUISANCES

§92.40 NUISANCES

It is the intent of this subchapter that it shall be unlawful for dead animals, stagnant water, uncut grass or weeds, decayed vegetable Matter or similar conditions which are or may become a nuisance and other similar conditions causing offensive odors or which cause or may cause injury or damage to the life or health of any person to collect or remain on any premises except for those permitted in this subchapter. These such conditions shall be declared as nuisances and shall be abated as described herein.

(Ord. 88-07, passed - -)

§92.41 DUTY TO KEEP PREMISES CLEAR OF WEEDS AND THE LIKE

- (A) It shall be unlawful for the owner or occupant of any property to fail to keep the same free and clear from accumulations of weeds, grass, trash and all other similar forms of offensive animal or vegetable matter or refuse may be dangerous or prejudicial to public health, safety or which may constitute a public nuisance. No such owner or occupant of any premises shall bury any animal or vegetable matter which, upon decaying, shall become dangerous or prejudicial to the public health or may constitute a public nuisance.
- (B) It shall be unlawful for the owner or occupant of any property to permit the property to serve a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which situations is declared to be a nuisance. It shall be the duty of the owner to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.
- (C) It shall be unlawful for the owner or occupant of any property to fail to remove overgrowth and cut trees, weeds and grass to improve visibility, when such lot is used for the purpose of assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or sale of narcotic drugs as defined in the North Carolina Controlled Substances Act, or whereon such lot are carried on or conducted repeated acts which create and constitute a breach of the peace. It shall be the duty of the owner to cut and remove all trees, grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision of this Code.
- (D) Penalty. A citation in the amount of \$100 may be issued to any person, firm or corporation in violation of this section which may be recovered by the City of Belmont in a civil action in the nature of a debt if the violator fails to pay the penalty within 30 days from the date the citation is issued. Each day after 30 days from the date the citation is issued that

the citation remains unpaid shall constitute a separate and distinct offense subjecting the violator to additional penalties in the amount of \$100 per violation. This section may be enforced by any of those remedies stated in G.S. 160A-175 of North Carolina in addition to those remedies specifically setout herein.

(Ord. 88-07, passed - - ; Am. Ord 98-12, passed 9-14-98) Penalty, see § 92.99

§92.42 RESTRICTIONS FOR GROWTH OF WEEDS, GRASS OR THE LIKE

It shall be unlawful for any person, firm or corporation to allow or permit any weeds, grass, shrubbery, undergrowth, trees or any other form or plant growth to grow upon, protrude or project into or upon any sidewalk, street, alley or public square within the City or to allow weeds, grass, shrubbery, undergrowth, trees or any other form of plant growth by any name whatsoever called to stand upon any property at or near any street intersection so that the same may obscure the view of pedestrians or persons traveling in vehicles at such street intersections.

(Ord.88-07, passed - -) Penalty, see §92.99

§92.43 DISPOSAL OF TREE TRIMMINGS AND SIMILAR MATERIALS

(A) Tree trimmings and limbs of trees, weeds cut from lots, vines, shrubbery and similar materials shall be placed in a pile at the front of the premises in the grass strip between the street and sidewalk where such strips are available; otherwise, such refuse shall be placed off that portion of the street right-of-way normally used by vehicles, pedestrians, or for surface drainage. Tree trimmings cut by contractors will not be collected for disposal by the City. Tree limbs or trimmings shall be cut in lengths of 48 inches or less with a diameter not to exceed six inches in order for the City to collect and dispose of trees.

(B) The materials described herein when deposited in accordance with the provisions of this section shall be collected for disposal by the City in accordance to a collection schedule determined by the City Manager.

(Ord.88-07, passed - -) Penalty § 92.99

§92.44 GRASS CLIPPING AND LEAVES

All grass clippings and leaves are required to be bagged in clear plastic bags between April and October 31 each year for collection by the City.

(Ord. 93-07, passed 5-03-93; Am. Ord. 20-05, passed 6-05-00)
Penalty, see § 92.99

§92.45 BLOCKAGE OF STORM DRAINS

It shall be unlawful for any person, firm or corporation to place or cause to be placed any refuse, trash or garbage or receptacles on or over any storm drain or so close thereto as to be drawn into the storm drain thereby blocking it's proper usage.
(Ord.88-07, passed - -) Penalty, see § 92.99

§92.46 JUNK

It shall be unlawful for any person to have on their premises materials that would create a littered condition, such as dilapidated furniture, appliances, machinery, building materials, automobile parts, tires or any other items which are in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition. Such items may be stored on the premises when they are placed in a completely enclosed building or dwelling. After a notification of a violation of this section, it shall be unlawful to allow any such item or items to remain on the premises of the occupant or owner for more than seven days.
(Ord.88-07, passed - -) Penalty, see § 92.99

§92.47 INDOOR FURNITURE, APPLIANCES, AND OTHER ITEMS ON PORCHES AND OTHER OUTDOOR AREAS A NUISANCE

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 by the manufacturer for outdoor use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks shall be prohibited.
(Ord.04-26, passed 12-06-04) Penalty, see § 92.99

§92.99 PENALTY

- (A) If any person shall violate any provision of this chapter for which no other penalty is provided, he shall be guilty of a class three misdemeanor and shall be fined not more than \$50, or imprisoned for not more than 30 days. (G.S. 14-4(a))
- (B) Any person, firm, organization, corporation, agent or employee thereof found guilty of any violation of §§ 92.42, 92.45, and 92.46 will be fined not more than \$100 or imprisoned not more than 30 days or both at the discretion of the court. (Ord.88-07, passed - -)
- (C) Any person who violates § 92.47 is subject to a civil penalty of \$50 for each violation. Upon a cited violation, a written civil citation shall be issued. The citation shall include the following:

- (1) A description of the activities violating § 92.47 and a statement that the violator has 30 days in which to correct such violation(s) without penalty.
- (2) A statement that, if the violation is not corrected within 30 days after the date of service of the warning citation, the violator will be issued a second citation assessing him or her with the \$50 penalty for each violation.
- (3) A statement that each day continued in violation shall be a separate and distinct offense.
- (4) A statement that, if the penalty or penalties are not paid within five working days after the date of service of the citation, the City Attorney will be instructed to commence a civil action to collect the penalty.

(Ord.04-26, passed 12-06-04)