



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 20 – SANITATION AND HEALTH

Section 1 SOLID WASTE COLLECTION

Municipal solid waste collection services will be provided to residences and other sites within the Town in accordance with the following policies and regulations.

1.1 Definitions

As use in this section, the following words and phrases shall have the meanings described below:

- 1.1.1 Bulk containers shall mean 4-8 cubic yard metal containers designed for storage of commercial refuse.
- 1.1.2 Construction rubbish shall mean refuse from the construction, remodeling, and repair of houses, commercial buildings, and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete, shingles, insulation, and waste parts generated by installations and replacements of structures and facilities.
- 1.1.3 Garbage shall mean putrescible animal and plant refuse resulting from the handling, preparation, cooking, and consumption of food, including a minimum amount of liquid necessarily incident thereto. It shall also include non-putrescible items such as paper, boxes, cartons, rubber, tin cans, metals, glass and plastic containers, crockery and other items normally associated with household and small business wastes. All garbage should be capable of being stored in the mobile refuse container.
- 1.1.4 Mobile Refuse Containers shall mean rolling, plastic-and-steel refuse containers with a capacity of 90 gallons, designed for storage of residential and small business garbage and capable of being automatically dumped by the Town's garbage collection equipment.
- 1.1.5 Public Works Director shall mean the Town director of Public Works (department providing sanitation services) or his designated agent
- 1.1.6 "Putrescible" shall mean solid wastes capable of being decomposed

by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses.

- 1.1.7 Refuse shall mean both putrescible and non-putrescible solid wastes, including but not limited to garbage, trash and construction rubbish.
- 1.1.8 Roll-off Containers shall mean 40 cubic yard refuse containers designed for storage of heavy commercial and industrial refuse.
- 1.1.9 Sanitary shall mean conditions or methods promoting or insuring cleanliness, health, hygiene, and the prevention of disease.
- 1.1.10 Trash shall mean non-putrescible items such as discarded lumber, wood, furniture, mattresses, metal, glass, leather, toys and other items that cannot be disposed of in the mobile refuse containers.
- 1.1.11 Waste shall mean useless, unwanted or discarded materials resulting from community activities, including solids, liquids and gases.
- 1.1.12 White Goods shall include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
- 1.1.13 Yard wastes shall mean solid waste consisting solely of vegetative matter resulting from landscaping maintenance including but not limited to stumps, limbs, leaves and grass clippings. (Section 1.1.3-1.1.13 amended 01/07/92) - (To be effective: 02/17/92)

1.2 Residential

- 1.2.1 Definition of Class. Location eligible for services under these policies shall include single-family dwellings and multi-family dwellings.
- 1.2.2 Garbage Storage. Residential sites shall store their garbage and other refuse in 80-90 gallon mobile refuse containers compatible with Town collection equipment. Additional amounts may be stored in rust-resistant, watertight garbage cans of 20-35 gallons capacity with handles and tight fitting lids. All refuse containers shall be kept reasonably clean by the use of effective cleaning agents.
- 1.2.3 Garbage Collection. Garbage will be collected up to two times per week, subject to the availability of municipal resources and to schedule adjustments resulting from holidays. A schedule of fees for this service will be kept on file in the Town Clerk's office. Refuse containers shall be placed within 5 feet of the curb or street edge or in another accessible location approved by the Public Works Director.

Refuse containers shall not be placed in or on any street or sidewalk. Containers shall be placed in the required location for collection no earlier than 7:00 p.m. on the day preceding a designed collection day and shall be removed from the curbside location no later than 7:00 p.m. on the scheduled collection day. Except during these hours, the mobile refuse containers shall be kept in a location no closer to the street than the front line of the residence. In the case of multi-family dwellings with 5 or more units, the Public Works Director may permit group storage of mobile refuse containers closer to the street as long as the storage area is screened from public view, the area is conveniently located to each dwelling unit, and the area and containers are maintained in a sanitary condition.

1.2.4 Mobile Refuse Containers. The mobile refuse containers provided by the Town shall remain the property of the town and are provided and assigned to for the health, safety, convenience, and general welfare of the occupants. Containers which are damaged, destroyed, or stolen through abuse, neglect, or improper use of the occupant-users shall be replaced by the town at the expense of the occupants or the owner of the residence. Containers which are damaged in the course of normal and reasonable usage or which are damaged, destroyed, or stolen through no abuse, neglect, or improper use of the occupant-users or residence owner shall be repaired or replaced by the town at no charge to the occupant-users or residence owners. The containers shall not be damaged, destroyed, defaced, or removed from the premises by any person; markings and identification devices on the containers, except as placed or specifically permitted by the town, are expressly prohibited and shall be regarded as damage to the containers. The following materials shall not be placed on or within the mobile refuse containers: Rocks, dirt, sod, gasoline, oil, flammable liquids, solvents, hot coals or ashes, heavy building materials. Violation of these prohibitions will be treated as abuse and improper use of the container. In addition, no pet litter, animal waste, or disposable diapers shall be placed within a mobile refuse container or other container for collection unless the material is first thoroughly sealed within a plastic or paper bag. Violations of this section will be subject to a fine of fifty dollars.

1.2.5 Hardships. In order to protect the public health, ensure adequate solid waste collection, and prevent undue hardships to the aged, handicapped, and disabled, the public works director is authorized to vary the requirements of this section relating to placement of the container at a curbside location for collection after conducting a thorough investigation and finding that there is not a person living within a particular residence unit who is physically capable of placing the container in the required location pickup.

1.2.6 Trash and White Goods Collection (Amended 7/6/99)

1.2.6.1 All trash will be collected once per week, subject to the availability of municipal resources and to schedule adjustments resulting from holidays. The days of collection for trash will be Monday and Tuesday. On these days all trash shall be placed adjacent to the curb or street edge, but not in the street, paved gutters, or drainage ditches. It shall be free of all yard wastes. Wood, boxes, paper cartons, and similar materials shall be collapsed and compacted by hand, made free of exposed nail and staple points, and piled neatly next to the street edge or curb.

1.2.6.2 White goods will only be collected upon a request for pickup. Anyone wishing to dispose of a white good should call the Public Works Department to arrange a pickup of the item. No white goods are allowed at the curb. (Amended 7/6/99)

1.2.6.3 The Town will provide a special collection of large loads of trash. This can be arranged by calling the Public Works Department. (Amended 7/6/99)

1.3 Commercial and Small Industrial Sites

1.3.1 Definition of Class. Locations eligible for service under these policies for service shall include retail stores, service establishments, offices, shopping centers, parks, public facilities, schools, churches, and similar uses.

1.3.2 Storage and Collection. Garbage will be collected up to two times per week and each user in this class will be required to have at least one mobile refuse container. A fee is established for each container. Additional fees will be imposed for each additional container. Businesses requiring additional collections beyond the standard collection schedule will be imposed an additional fee. Refuse shall be stored in 80-90 gallon mobile refuse containers (in accordance with Section 1.2.4) compatible with Town collection equipment. Food scraps from restaurants or cafeterias may be stored in rust-resistant, watertight garbage cans of 20-35 gallons capacity with handles and tight fitting lids. A schedule of fees for these services will be kept on file in the town Clerk's office.

1.3.3 Preparation. All cardboard waste generated by commercial and small industrial sites shall be knocked down or thoroughly compacted when placed out for collection and shall not be eligible for collection unless broken down or compacted. This requirement applies to all

cardboard boxes larger than one cubic foot in size.

1.4 Industrial and Heavy Commercial Sites

- 1.4.1 Definition of Class. Locations eligible for service under these policies for service include industrial and heavy commercial sites that typically generate more waste per week than can be handled with the mobile refuse containers.
- 1.4.2 Storage. Industries and other sites in this category shall store their waste in a 40 cubic yard roll-off container for collection.
- 1.4.3 Collection. The Town will provide no collection for users in this class, other than corrugated cardboard or recyclable materials.
- 1.4.4 Preparation. Corrugated cardboard if it is knocked down or roughly compacted when placed out for collection. The collection of cardboard and recyclable materials should be arranged through the Public Works Director.

1.5 Construction Rubbish

Construction rubbish shall be promptly collected, removed, and disposed of properly by the builder or contractor generating the rubbish. If the builder or contractor fails to promptly dispose of construction rubbish, the property owner shall be required to do so.

1.6 Yard Waste Collection

- 1.6.1 Yard Waste Storage. Residential sites shall store their yard wastes in approved mobile yard waste containers approved by the Town. All yard waste containers shall be kept reasonably clean by the effective use of effective cleaning agents.
- 1.6.2. Yard Waste Collection. Yard wastes will be collected up to one time per week, subject to the availability of municipal resources and to schedule adjustments resulting from holidays. There will be no charge for the collection of yard wastes that are properly stored in the yard waste container. Yard waste containers shall be placed within 5 feet of the curb or street edge or in another accessibly location approved by the Public Works Director. Yard waste containers shall not be placed in or on any street or sidewalk. Containers shall be placed in the required location for collection no earlier than 7:00 p.m. on the day preceding a designated collection day and shall be removed from the curbside location no later than 7:00 p.m. on the scheduled collection day.
- 1.6.3 Limb and Tree Removal. Limbs and trees that are too large to fit in

the yard waste container will be collected upon a request for pickup. Special pickup requests that are less than a dump truck load will be charged a fee of \$15.00. Any additional loads within a 7 day period will be charged a fee of \$50.00 per load. The Town of Farmville will not pick up any trees and limbs that measure more than 4” in diameter.

(Section 1.6.3 amended 03/02/10)
(Section 1.6 amended 7/3/99)

- 1.6.4 Depositing of Yard Wastes: No person, firm or corporation shall deposit any yard waste, including but not limited to grass clippings or twigs within the right-of-way of any public street, sidewalk or storm drain. This includes the blowing or sweeping of grass clippings from recently mowed lawns.

(Added 10/05/04)

1.7 Administration

The public works director shall make all determinations regarding classes of refuse generators, compliance with storage and container maintenance requirements, and compliance with other service requirements and regulations of this section. The public works director may, in addition to other penalties provided for violation of this code, suspend collection service to any person, firm, establishment, or organization which fails to comply with the requirements of this section. (Amended 7/3/99)

1.8 Service to Non-Residents

Persons or firms located outside the Town boundaries may, upon approval of the Town Board and payment of fees approved by the Town Board, be provided with municipal refuse collection service. (Amended 7/3/99)

Section 2 PUBLIC HEALTH AND SANITATION

2.1 Privies

No person, firm, or corporation shall keep, maintain, or allow remaining on his premises any privy within the Town of Farmville.

2.2 Water Closets

The owner of every building designed for human habitation or use by human beings which is located on a lot adjacent to- or abutting the sewer system of the Town of Farmville shall install and maintain in a sanitary condition within every such building at least one privately enclosed water closet of the siphon wash-down action or siphon jet-action type. Multi-family dwelling units shall have at least one water closet per family unit.

- 2.2.1 Water Connection Required: Payment of charge in Lieu of Connection. Each owner of improved property located upon or within a distance of 250 feet of any water line shall connect the

plumbing system of his premises with the Town water system; provided, that any such owner who already has in use a private well approved by the Pitt County Department of Health may, in lieu of connecting his premises to the Town water system, pay the minimum monthly charge established for water service, and may continue the use of the well for domestic household water service for so long as such charge is duly paid and for so long as said well remains suitable for such use as determined by the Pitt County Department of Health.

(Added 11/3/98)

- 2.2.2 Use of Wells for Other Purposes: Cross Connection Prohibited. Any person who connects his premises to the town water system for domestic household water service may continue the use of a private well for any purpose other than domestic household water supply. There shall be no cross-connection of the Town water system with any private well or any other source of water supply. (Added 11/3/98)

2.3 Waste Disposal

No person shall dispose of any dead animal, decayed plant matter, garbage, trash, or other refuse on any public street, gutter, right-of-way, or property or in any ditch, canal, or storm sewer within the Town of Farmville. All solid waste shall be properly disposed of by municipal collection or by placement in a designated sanitary landfill or designated solid waste collection site.

2.4 Human Waste

No person shall urinate, defecate, or deposit any human waste of any kind on any street, road, alley, public property, public vehicular area, lot or premises except in approved sanitary facilities.

- 2.4.1 Sewer Connection Required: Payment of Charge in Lieu of Connection. Each owner of improved property located upon or within a distance of 250 feet of any town sewer line shall connect the plumbing system of his premises with the Town sewer system; provided that any such owner who already has in use a septic tank approved by the Pitt County Department of Health may, in lieu of connecting his premises to the Town sewer system, pay the minimum monthly charge established for sewer service, and may continue the use of the septic tank for domestic household sewer service for so long as such charge is duly paid and for so long as said septic tank remains suitable for such use as determined by the Pitt County Department of Health. (Added 11/3/98)

Section 3 ABATEMENT OF PUBLIC NUISANCES

The Town has the authority to summarily remove, abate or remedy everything prejudicial to the public health or safety.

3.1 Statement of Purpose

The Board of Commissioners of the Town of Farmville also finds it necessary and desirable to control public nuisances as a means to promote or enhance;

- 3.1.1 The quality of urban attractiveness and the aesthetic appearance of the Town.
- 3.1.2 The protection of property values through out the Town.
- 3.1.3 The preservation of the livability and attractiveness of neighborhoods.
- 3.1.4 The promotion of tourism, conventions, and other opportunities for economic development for the Town.
- 3.1.5 The attractiveness of the Town's thoroughfare and commercial roads which present the primary public visibility to visitors and to passers-by of the Town.
- 3.1.6 The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of such nuisances.

3.2 Public Nuisances

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits and one mile thereof is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

- 3.2.1 The uncontrolled growth of noxious weeds or grass to a height in excess of twelve (12) inches causing or threatening to cause a hazard detrimental to the public health or safety.
- 3.2.2 Any accumulation of tires, rubbish, trash or junk (as defined by N.C. General Statutes 136-143 (3) and also including old machinery, machinery parts and damaged, worn out, scrapped or discarded materials), 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, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- 3.2.3 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.

3.2.4 The open storage of any ice box, refrigerator, stove, glass, building material, building rubbish, household appliances or similar items.

3.2.5 Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

3.3 Investigation

The Code Enforcement Officer, upon notice from any person of the possible existence of any of the conditions described in Section 3.2, shall cause to be made, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in Section 3.2.

3.4 Nature of Violations

If it appears that such conditions exist, the Code Enforcement Officer shall cause to be delivered or mailed to the owner of the property upon which the conditions exist a notice stating the reasons why the condition may constitute a violation and that a hearing will be held before the Code Enforcement Officer at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time fixed in the notice. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall be controlling in such hearings.

3.5 Order of Abatement

If a determination is made that such conditions constituting a public nuisance exist, the Code Enforcement Officer shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the receipt of such written notice.

3.6 Removal of Conditions

If the owner, having been ordered to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from the receipt of said order, the Code Enforcement Officer shall cause said condition to be removed or otherwise remedied by having employees of the Town, or authorized contractors of the Town to go upon said premises and remove or otherwise abate such nuisances under the supervision of the Code Enforcement Officer. Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

3.7 Assessment of Costs

The actual cost incurred by Town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the Tax Collector to mail a statement of such charges to the owner or other persons in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof. The cost of abating the nuisances described in Section 3.2.1 of Chapter 20 shall be determined by the Town taking annual bids from private contractors. All such charges for abatement shall include an administrative fee in accordance with the fee schedule established by the Town.

3.8 Liens

In the event charges and fees for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges as provided for in Section 3.7 of this ordinance, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. 160A-193.

3.9 Remedies

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

3.10 Chronic Violations

Notwithstanding any other provision of this section, the Code Enforcement Officer may notify a chronic violator that if the chronic violator's property is determined to be a nuisance as defined in Section 3.2.1, 3.2.2, 3.2.3, 3.2.4, or 3.2.5, the Town shall, without further notice in the calendar year in which the notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be served by registered or certified mail. Upon the provision of the notice, the Code Enforcement Officer has full power and authority to enter upon the premises involved and abates the nuisance found to exist during the calendar year in which the notice is given without further notice. The Code Enforcement Officer may proceed to abate the nuisance by utilization of town forces or an outside contractor. The owner of the property shall be liable to the town for the actual cost incurred by the town in such nuisance abatement including an administrative fee. Such cost shall be a lien upon the property and shall be collected as unpaid taxes. For the purpose of this subsection, a chronic violator is a person whose property whereupon, in the previous calendar year, the town abated a nuisance as defined in Sections 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 on at least three (3) occasions.

Section 4 JUNKYARDS AND JUNK DEALERS

4.1 Definitions

Except as otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this ordinance:

- 4.1.1 Person shall mean any person, firm, partnership, association, corporation, company or organization.
- 4.1.2 Junk shall mean damaged, worn out, scrapped, or discarded materials including but not limited to old iron, steel, brass, copper, tin, lead, or other base metals; wrecked or inoperable motor vehicles or vehicle parts; old cordage, ropes, rags, fibers, fabrics, cardboard, or wastepaper; old bottles, or other glass; old machinery, machinery parts or plumbing fixtures; and other scrapped or discarded materials commonly regarded as junk or defined as junk by G.S. 136-143 (3).
- 4.1.3 Junkyard shall mean any lot, yard or place, outdoors or in a building, containing junk and used for buying, storing, keeping, dismantling, processing, salvaging, buying, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds are received for profit or charitable reasons. "Junkyards" includes areas so defined by G.S. 136-143 (4). Junkyards shall include areas within or adjacent to industrial operations where materials are being stored pending salvage or reprocessing.
- 4.1.4 Junk dealer shall mean a person who operates a junkyard.
- 4.1.5 Solid fence shall mean a fence constructed of standard and customary fencing materials and properly painted, treated and maintained so as to prevent as nearly as is practical, any contents of said junkyard from being visible from any public road or residence taking into consideration, the surrounding terrain.

4.2 Licensing

All junk dealers operating within the Town of Farmville shall obtain a business privilege license as required by the town Code. Such license may be denied or revoked if the junk dealer fails to comply with the requirements of this ordinance or if the junk dealer or junkyard is in violation of public health laws, the building code, fire hazard laws, zoning regulations, or public nuisance laws. Any person aggrieved by the denial or revocation of a license may request a hearing before the Board of Commissioners to determine whether the license was properly denied or revoked by filing a written request with the Town Manager.

4.3 Condition of Premises

Junkyards shall be maintained and operated in accordance with the following procedures and standards:

- 4.3.1 Solid Fence Required. Each junkyard shall be entirely enclosed, by a solid fence or wall having a minimum height of six (6) feet from ground level and a greater height equal to the maximum height of any stored materials if junk is stored in levels above six feet high. Solid enclosures are required for the purposes of eliminating attraction of children, vagrants, and animals; containing fire and other hazards; preventing urban blight; preventing scattering or windblown trash; and protecting the enjoyment and value of private property. This requirement shall be effective as follows: all existing junkyards must be entirely fenced and the fence must be solid by April 1, 1993.
- 4.3.2 Gates Required. Entrances and exists shall not be wider or more numerous than reasonably necessary for the conduct of business, shall have solid gates or doors equal in height and material to the fence or wall, and shall be closed and locked at all times except when materials are being transported out of the premises.
- 4.3.3 Sanitation. The junkyard and all materials therein shall be maintained in a sanitary condition at all times. No water shall be allowed to stand in any container or placed in a manner which affords a breeding place for mosquitoes. Weeds and vegetables on the premises, other than shrubs outside the fence or wall or trees, shall be kept at a height of six inches or less. No garbage or other waste liable to give off a foul odor or attract vermin, nor any refuse which is not part of the junk business, shall be kept on the premises.
- 4.3.4 Fire Control. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises, and combustible materials not necessary to the business shall be kept on the premises. Junk shall be stored in piles not exceeding ten feet in height and shall be arranged so as to permit ready access for firefighting purposes. No junk shall be burned on the premises.
- 4.3.5 Junk Placement. No junk shall be kept outside the solid fence or wall, allowed to rest upon or obstruct any public street, right-of-way, walkway, or curb, or allowed to become scattered or blown off the premises.
- 4.3.6 Signs. No signs, handbills, posters, or notices shall be affixed or allowed to be affixed to the exterior of the fence or wall enclosing a licensed junkyard except those giving the name of the business or stating "no trespassing" or "post no bills". All signs comply in size

and other characteristics with the zoning regulations of the Town.

4.4 Operating Procedures

The following general operating requirements shall apply to all junkyards and junk dealers.

- 4.4.1 Noise. Any vehicles or engines operating in a junkyard or in connection therewith shall be equipped at all times with a muffler in good working order to prevent excessive or unusual noise and annoying smoke. No noisy processing of junk shall be carried on, on Sunday, Christmas, Easter, or Thanksgiving.
- 4.4.2 Vehicle Identification. Vehicles used by a junk dealer in the conduct of his business shall bear thereon the name and address of the dealer.
- 4.4.3 Record keeping. A junk dealer shall maintain a written record of receipts and sales of junk, including the name and address of the buyer or seller, a description of the junk, including serial numbers of vehicles or machinery, and the date of the transaction. A junk dealer shall not purchase or receive any junk from a person under the age of 18 years without the written consent of a parent or guardian of such person. These records shall be maintained for at least three years and shall be available for inspection by the police chief or authorized police officers at reasonable times.
- 4.4.4 Inspections. A junk dealer shall permit inspection of the junkyard by the police chief, building inspector, zoning administrator, fire chief, health inspector, and/or Town Manager at reasonable times to insure compliance with the provisions of this ordinance.

4.5 Penalties

Any person violating the requirements of this ordinance shall be guilty of a misdemeanor, punishable according to the limits set by the General Statutes. Each violation of a separate provision and each day's continuing violation of a single provision shall constitute a separate offense. This provision shall not prevent the Town from proceeding in other actions as provided in G.S. 14-4.

Section 5 REGULATION FOR BUSINESS ENTERPRISES IN POSSESSION OF JUNK/ABANDON/NUISANCE MOTOR VEHICLE

The following shall apply to business enterprises being operated in which a junk/abandon/nuisance vehicle, as defined in this chapter, is considered necessary to their enterprises. Furthermore this code shall apply to tractors and their trailers, boats, lawn mowers, and other large landscaping or grading supplies being stored on properties for which the use is not allowed.

5.1 The following definition shall be used for the purpose of this ordinance.

5.1.1 Automotive repair shops: A building and its premises used for the storage, care, repair, or refinishing motor vehicles including major mechanical overhauling, paint and body work. Also referred to as vehicle repair.

5.1.2 Nonresidential Use: Nonresidential uses shall not be allowed to have any junk/abandon/nuisance vehicle.

5.1.3. Junk/abandon/nuisance vehicle shall hereby be permitted after the issuance of a permit by the Town of Farmville Board of Commissioners and subject to the vehicles meeting the following requirements.

5.1.3.1 A business that qualifies for the possession of junk/abandon/nuisance vehicles must have the vehicles located no closer than forty (40) feet to the curb of any street and twenty (20) feet of abutting property lines (business or residential). If the vehicles are placed closer to the curb of any street or abutting property line they must be screened.

(amended 5/6/08)

5.1.3.2 Junk/abandoned/nuisance vehicles placed closer than forty (40) feet to the curb of any street or twenty (20) feet to abutting property lines (business or residential) must be behind screening using either Option A or Option B as listed below:

Option A. A six foot high solid fence (80% solid) constructed of wood, PVC vinyl, masonry, or chin link fencing with slates installed to effectively screen vehicles from view.

Option B. Screening consisting of a continuous row of large evergreen shrubs. Shrubs shall have a minimum height of thirty (30) inches at planting and shall attain a minimum height of six (6) feet at maturity. Shrubs shall be planted a maximum of six (6) feet apart. Minimum planting area width for the shrubs shall be five (5) feet.

(amended 5/6/08)

5.1.3.3 A vehicle may be left outside of the screened area for a period not to exceed five (5) business days. A business is allowed one such vehicle for every two hundred fifty (250) feet of screened area.

(amended 5/6/08)

5.1.3.4 Businesses that are in existence at the time of the adoption of this ordinance shall be granted 90 days to come into full

compliance with this ordinance. New businesses established after adoption of this ordinance shall comply fully with ordinance prior to receipt of a certificate of occupancy.

Section 6 ADMINISTRATION

The Police Department of the Town shall be responsible for the administration and enforcement of this chapter. The Chief of Police or his designee 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, and shall be responsible for administering the removal and disposition of "abandoned", "nuisance" or "junked motor vehicles" located on private property.

- 6.1 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 of Farmville Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.(Amended 07/11/95)

6.2 Definitions

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

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

6.2.1.1 Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or

6.2.1.2 Is left on a public street or highway for longer than seven (7) days; or

6.2.1.3 Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or

6.2.1.4 Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

- 6.2.2 Authorizing Official. The Chief of Police department or his designee, designated to authorize the removal of vehicles under the provisions of this chapter. (Amended 07/11/95)

- 6.2.3 Motor Vehicle or Vehicle. All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

6.2.4 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:

6.2.4.1 Is partially dismantled or wrecked; or

6.2.4.2 Cannot be self propelled or moved in the manner in which it originally was intended to move; or

6.2.4.3 Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100).

6.2.5 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:

6.2.5.1 A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or

6.2.5.2 A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or

6.2.5.3 A point of collection of pools or ponds of water; or

6.2.5.4 A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or

6.2.5.5 One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or

6.2.5.6 So situated or located that there is a danger of it falling or turning over; or

6.2.5.7 One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or

6.2.5.8 One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or

6.2.5.9 Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Board of Commissioners.

6.3 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.

6.4 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 Police Chief or his designee 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. (Amended 07/11/95)

6.5 Junked Motor Vehicle Regulated; Removal Authorized

- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 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 requirement of this section.
- 6.5.4 Subject to the provisions of subsection (e), upon investigation, the Chief of Police or his designee 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 the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered: (Amended 07/11/95)

6.5.4.1 Protection of property values;

6.5.4.2 Promotion of tourism and other economic development opportunities;

6.5.4.3 Indirect protection of public health and safety;

6.5.4.4 Preservation of the character and integrity of the community; and

6.5.4.5 Promotion of the comfort, happiness and emotional stability of area residents.

6.5.5 Permitted concealment or enclosure of junked motor vehicle:

6.5.5.1 One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the Town'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.

The Chief of Police or his designee 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. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.(Amended 07/11/95)

6.5.5.2 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.

6.6 Removal of Abandoned, Nuisance or Junked Motor Vehicles; Pre-towing Notice Requirements

Except as set forth in Section 5.7 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the 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 (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 days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

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 is abandoned, a nuisance vehicle or in the case of junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Board of Commissioners in writing, heard at the next regularly scheduled meeting of the Board of Commissioners and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

6.7 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 authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice includes:

- 6.7.1 Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Board of Commissioners hereby determines that immediate removal of such vehicles may be warranted when they are:
 - 6.7.1.1 Obstructing traffic;
 - 6.7.1.2 Parked in violation of an ordinance prohibiting or restricting parking;
 - 6.7.1.3 Parked in a no-stopping or standing zone;
 - 6.7.1.4 Parked in loading zones;
 - 6.7.1.5 Parked in bus zones; or
 - 6.7.1.6 Parked in violation of temporary parking restrictions imposed u

code sections.

6.7.2 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.

6.8 Removal of Vehicles; Post-towing Notice Requirements

Any abandoned, nuisance or junked 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, such notice to include the following:

6.8.1.1 The description of the removed vehicle;

6.8.1.2 The location where the vehicle is stored;

6.8.1.3 The violation with which the owner is charged, if any;

6.8.1.4 The procedure the owner must follow to redeem the vehicle;
and

6.8.1.5 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, including 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 this 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.

6.9 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 other 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.

6.10 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 fee, 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 the vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this ordinance.

6.11 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.

6.12 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 Chief of Police, or his designee. The Town may require a 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.(Amended 07/11/95)

6.13 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.

6.14 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 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.

6.15 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 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.

Amended by the Board of Commissioners:
January 07, 1992
July 11, 1995
November 03, 1998
July 6, 1999
October 05, 2004
March 06, 2007
May 6, 2008
March 2, 2010