

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING CHAPTER 9, ARTICLE III, SECTION 9-71 OF THE CURRITUCK**
3 **COUNTY CODE OF ORDINANCES TO PROVIDE THAT EMISSION OF CERTAIN**
4 **MATERIAL INTO THE OPEN AIR SHALL CONSTITUTE A NUISANCE**
5

6 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
7 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
8 welfare of its citizens and the peace and dignity of the county; and
9

10 WHEREAS, pursuant to N.C. Gen. Stat. §153A-140 a county may remove, abate, or
11 remedy everything that is dangerous or prejudicial to the public health or safety; and
12

13 WHEREAS, the emission of dirt, dust, other particulate matter, fumes and odors in an
14 uncontrolled manner that extends beyond the property line from where the emission occurs is
15 detrimental to health, safety, welfare and peaceful enjoyment of affected citizens and property.
16

17 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the
18 County of Currituck, North Carolina as follows:
19

20 **PART I. Sec. 9-71. Certain conditions declared nuisances.** of the Code of Ordinances,
21 Currituck County, North Carolina is amended to read as follows:
22

23 **Sec. 9-71. Certain conditions declared nuisances.**
24

25 The existence of any of the following conditions on any lot, whether improved or not, or
26 other parcel of land within the county limits is hereby declared to be dangerous and prejudicial to
27 the public health or safety and to constitute a public nuisance:
28

29 (1) *Growth of weeds and grass.* The uncontrolled growth of noxious weeds or grass causing
30 or threatening to cause a hazard detrimental to the public health or safety.
31

32 (2) *Accumulations of animal or vegetable matter.* Any accumulation of animal or vegetable
33 matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice,
34 snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
35

36 (3) *Accumulations of rubbish.* Any accumulation of rubbish, trash or junk causing or
37 threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant
38 water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin
39 of any kind which is or may be dangerous or prejudicial to the public health.
40

41 (4) *Obstruction of drainage ways.* The placement of rubbish, trash, yard debris, grass
42 clippings, leaves, limbs, branches, soil, or junk impeding the flow of water and/or causing or
43 threatening to cause the obstruction of drainage ways.
44
45

1 (5) *Conditions violating health department rules.* Any condition detrimental to the public
2 health which violates the rules and regulations of the local health department.

3
4 (6) *Burned or partially burned buildings or structures.* Any building or other structure which
5 has been burned, partially burned or otherwise partially destroyed and which is unsightly or
6 hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound
7 to the extent that the county building official can reasonably determine that there is a likelihood
8 of personal or property injury to any person or property entering the premises.

9
10 (7) *Storm or erosion damaged structures and resulting debris.* The existence of any of the
11 following conditions associated with storm-damaged or erosion-damaged structures or their
12 resultant debris shall constitute a public nuisance:

- 13
14 a. Damaged structure in danger of collapsing;
15
16 b. Damaged structure or debris from damaged structures where it can reasonably be
17 determined that there is a likelihood of personal or property injury;
18
19 c. Any structure, regardless of condition, or any debris from damaged structure
20 which is located in whole or in part in a public trust area or public land.

21
22 (8) *Structurally deteriorated, or storm damaged automobile service station canopies.* Any
23 automobile service station canopy with loose, unanchored, or missing cladding, or fascia panels
24 prone to progressive collapse, or structurally unsound members damaged by storms, vehicles, or
25 deterioration.

26
27 (9) *Vicious animals.* The keeping of a vicious animal as defined in section 3-62

28
29 (10) *All terrain vehicles.* The operation of an all terrain vehicle:

- 30
31 a. In a reckless manner;
32
33 b. In a manner that creates excessive noise;
34
35 c. In a manner that spreads dust;
36
37 d. On a track or course located on property used for residential purposes; or
38
39 e. By any person, not being on his own lands, who without the consent of the owner
40 thereof, willfully commits any damage, injury or spoliation to or upon any tree,
41 wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any
42 other matter or thing growing or being thereon.
43

1 For purposes of this section, "all terrain vehicle" shall mean a wheeled or tracked
2 motorized vehicle designed and used primarily for off-road use with two, three,
3 four or six low-pressure tires and including, but not limited to, dirt or trail bikes.
4

5 (11) *Vegetation obstructions.* The growth of shrubs, trees or other vegetation that impedes
6 public safety vehicle and firefighting equipment ingress and egress in the following
7 locations that are utilized as public safety vehicle and firefighting access routes and areas:
8 private street easements, private drives, parking lots and/or drive isles, fire hydrant easements,
9 designated fire lanes or other public vehicular areas.
10

11 (12) *Discharge of materials into the open air.* Emission of excessive dust into the open air in
12 such a manner as to cause injury, detriment, nuisance or annoyance to any person, or to threaten
13 to or does impair or affect the health any person or to endanger the health or safety of any
14 person, or to cause or have a natural tendency to cause injury or damage to property. "Emission
15 of excessive dust" means that dust is visible extending beyond the property line of the property
16 from where the dust is emitted. This paragraph does not apply to the cultivation of land for crop
17 production, crop irrigation, harvesting, on site curing, storage or preparation of crops or
18 protection of crops from damage or disease conducted in accordance to practices acceptable to
19 the North Carolina Department of Agriculture and Consumer Services.
20

21 ~~(12)~~ (13) *Miscellaneous.* Any other condition that is specified as a nuisance in this Code.
22

23 PART II. If any provision, section, part, paragraph, phrase or sentence of this ordinance is found
24 to be invalid, all other provisions, parts, paragraphs, phrases, and sentences shall remain valid
25 and in full force and effect.
26

27 PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby
28 repealed.
29

30 PART IV. This ordinance shall be effective immediately upon its adoption.
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32 ADOPTED this 20th day of March, 2017.
33
34

35 _____
36 Bobby Hanig, Chairman
37 Board of Commissioners

38 ATTEST:

(COUNTY SEAL)

39 _____
40 Leeann Walton
41 Clerk to the Board of Commissioners

42 APPROVED AS TO FORM:

43 _____
44 Donald I. McRee, Jr.
45 County Attorney

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Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS