



TOWN OF PINE LEVEL COMMUNITY APPEARANCE CODE

WHEREAS, the Board of Commissioners of the Town of Pine Level, North Carolina, wishes to promote the public's health, safety and welfare by requiring a minimum level of maintenance of private property to protect the livability, appearance, and social and economic stability of the town, and to protect the public from the health and safety hazard and the impairments of property values that result from the neglect and deterioration of property; and

WHEREAS, the Board of Commissioners recognizes that the Town of Pine Level has unique residential and commercial properties and neighborhoods that define the character and heritage of the town by their distinct architectural and structural appearance, and the Board of Commissioners further recognizes the importance of maintaining and preserving such properties in order to preserve the town's heritage and physical appearance, by adopting reasonable standards of maintenance and property appearance as contained herein;

NOW THEREFORE, BE IT ORDAINED BY the Board of Commissioners of the Town of Pine Level, North Carolina, that the following shall be known as the Town of Pine Level Community Appearance Code.

"COMMUNITY APPEARANCE CODE"

A) Public Nuisance

Any property upon which there exists property blight as set forth in the provisions of this section is hereby declared and determined to be a public nuisance.

B) Prohibition of Property Blight

No person, whether as owner, agent, manager, operator, lessee, sub lessee, or occupant in possession of a property, shall maintain a blighted property or cause or permit property to be maintained as a blighted property. No person, whether as owner, agent, manager, operator, lessee, sub lessee, tenant or occupant of a property, shall take any action or allow any action to be taken at that property in violation of any provision of this section or any order issued pursuant to the provisions of this section.

C) General Conditions

The presence of any one or more of the following conditions on property constitutes property blight:

- 1) Any condition that is detrimental to the public health, safety or general welfare or that constitutes a public nuisance.
- 2) Any condition of deterioration or disrepair that creates a substantial adverse impact on neighboring properties.

(D) Definitions

Boat: a boat of any kind, whether self-propelled or propelled by any other means, including sailing vessels and all other structures adapted to be navigated on water from place to place for recreational purposes or for the transportation of merchandise or persons.

Camper shell: means a vehicle accessory designed to be mounted upon a motor vehicle and to provide facilities for human habitation, camping purposes or storage.

Decorative landscaping: means decorative non-live materials used to cover earth in a garden or yard, such as rocks, gravel, or bark and does not include pavement with asphalt, cement or any other impervious surface.

Graffiti: means an unauthorized inscription, word, figure, mark, design or other inscribed material that is written, marked, etched, scratched, drawn or painted on a surface.

Household Item: means any item, including any part of the item, typically used in the interior of a dwelling. By way of example and not limitation, the term "household item" includes washing machines, sinks, stoves, heaters, boilers, tanks, mattresses, sofas, couches or futons, upholstered chairs and indoor carpets.

Motor Vehicle: means a passenger vehicle, truck, recreational vehicle, motorcycle, motor scooter, golf cart, or other similar self-propelled vehicle. "Motor vehicles" does not mean a motorized wheelchair, bicycle, tricycle or quadricycle.

Park strip: means the area between the curb of a street and the sidewalk.

Passenger Vehicle: means any motor vehicle designed, used and maintained primarily for the transportation of persons for noncommercial purposes. A passenger vehicle does not include a motor vehicle designed or equipped for human habitation.

Polluted Water: means water that contains any bacterial growth, including algae, remains of rubbish, fecal matter, untreated sewage, refuse, debris, papers, or any other foreign matter or material that, because of its nature or location, constitutes an unhealthy or unsafe condition.

Recreational Vehicle: means a motor vehicle designed and equipped for human habitation.

Seventy Two Hours: For purposes of this section, an item is unlawfully parked, kept or stored on a piece of property in excess of seventy-two (72) hours, when all of the following conditions have been met:

- 1) The item is located on the front or side yard of the property or on a street immediately adjacent to that front or side yard; and
- 2) That item is visible from the street; and
- 3) That item has not been removed from the visible front or side yard of the property or the street immediately adjacent to that front or side yard to an area that is not visible from a public street for at least twenty-four consecutive hours during a seventy-two (72) consecutive hour period.

(E) Description of Property Blight

The existence of any one or more of the conditions or activities described in this part shall constitute "property blight."

(F) Unsecured Building or Structure

Any building or structure that is unsecured constitutes property blight. A building or structure is unsecured when either of the following conditions exists:

- 1) The building or structure is inhabited, occupied or used without the consent of the owner or the agent of the owner: or
- 2) Unauthorized persons can readily gain entry to the building or structure without the consent of the owner or agent of the owner.

(G) Abandoned Construction

A partially constructed, reconstructed or demolished building or structure upon which work has been abandoned constitutes property blight. Work is deemed abandoned when there is no valid current building or demolition permit for the work or when there has not been any substantial work on the building or structure.

(H) Attractive Nuisance

Any property that is unsecured and constitutes an attraction to children or a harbor for vagrants, criminals or other unauthorized persons, or is in a condition such that persons can resort thereto for the purpose of committing a nuisance or unlawful act constitutes property blight.

(I) State of Repair

Any building or structure that is in a state of disrepair constitutes property blight. A building or structure is in a state of disrepair when any of the following conditions exists:

- 1) Exterior walls or roof covering have become deteriorated, do not provide adequate weather protection, or show evidence of the presence of termite infestation or dry rot; or
- 2) Broken or missing windows or doors that create a hazardous condition or a potential attraction to trespassers; or
- 3) Building exteriors, walls, fences, retaining walls, driveways, or walkways that are broken or deteriorated to the extent that the disrepair is visible from a street or neighboring properties; or
- 4) Any part of the property, including any building or structure located on the property, that is visible from a street or neighboring property, that is defaced with graffiti.

NOTE: Deteriorated above refers to exterior appearance that has wood and painted surfaces not in good condition, significantly peeling or parts of the wall missing; and brick or other surface materials not in good condition with significant deterioration or missing surfaces.

(J) Exterior Property Conditions

The existence of any one or more of the following exterior property conditions constitutes property blight:

- 1) The property contains overgrown, diseased, dead or decayed trees, weeds or other vegetation that:
 - a) Constitutes a fire hazard or other condition that is dangerous to the public health, safety, welfare; or
 - b) Creates the potential for the harboring of rats, vermin, vector, or other similar nuisances; or
 - c) Substantially detracts from the aesthetic and property values of neighboring properties; or
 - d) Is overgrown into a public right-of-way at least twelve inches; or
 - e) Is completely dead, over twelve (12) inches in height, and covers more than fifty percent (50%) of the front or side yard visible from the street.

(2) Any decorations or lighting designed for and displayed for a specific season or holiday that are not removed from the property within thirty (30) days of such holiday.

Note: This provision does not pertain to flags.

2) Or, that the property fails to comply with applicable development permit requirements with respect to any landscaping requirements.

(K) Multi-Family Dwelling Landscaping Requirements

A multi-family dwelling subject to a site plan or zoning permit shall be landscaped in accordance with the requirements of the plan or permit. Subject to the paved surface limitations contained in this Section, a multi-family dwelling shall have landscaping installed in the non-paved portions of the front and side yards that are visible from any street. For purposes of this subsection only, "landscaping" means that

at least fifty percent (50%) of the non-paved portions of the front and side yards that are visible from any street shall be covered with live trees, shrubs, lawns, or other live plant materials, or shall have decorative landscaping installed.

Failure to meet the landscaping requirements of this section constitutes property blight.

(L) Non-Residential Landscaping Requirements

A non-residential building or property shall be landscaped in accordance with the requirements of the approved site plan or Zoning Permit. All required landscaping shall be maintained in such a manner to assure healthy plant growth while enhancing the grounds. This should include weeding, edging, watering, removal of dead and/or unattractive plant materials and general clean up of the grounds.

(M) Park strips

Any property subject to a zoning permit that imposes park strip landscaping requirements shall have landscaping installed in the park strip in compliance with the zoning permit.

(N) Inadequate Solid Waste Management

The accumulation of solid waste constitutes property blight in the following situations:

- 1) The accumulation of solid waste is visible from a street or neighboring property and is present for more than seventy-two (72) consecutive hours; or
- 2) The accumulation of solid waste is being stored or disposed of in a manner that would allow the material to be transported by wind or otherwise onto or upon any street, or neighboring property, unless the method of storage or disposal is specifically allowed by this ordinance.

The accumulation of dirt, litter, or debris in vestibules or doorways of buildings constitutes property blight if it is visible from any street or neighboring properties and is present for more than seventy-two (72) consecutive hours.

(O) Hazardous Conditions

Any property upon which there exists a hazardous condition constitutes property blight. A property is considered to have a hazardous condition prohibited by this code if any one or more of the following conditions exists on the property:

- 1) Land having a topography, geology, or configuration that, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems that pose a threat of injury or are injurious to any neighboring property.

2) Any condition or object, including without limitation landscaping, motor vehicles, fencing or signs, that obscures the visibility of traffic, pedestrians, or street intersections in a manner that constitutes a hazard.

3) Items are present that are inadequately secured or protected and, due to their accessibility to the public, may prove hazardous including, without limitation:

- a) Unused or broken equipment or machinery;
- b) Abandoned wells, shafts, or basements;
- c) Unprotected pools, ponds, or excavations;
- d) Structurally unsound fences or structures;
- e) Lumber, or accumulations of lumber or other construction materials; or
- f) Chemicals, motor oil, or other hazardous or toxic materials.

4) Any swimming pool, pond or other body of water that is abandoned, unattended, unfiltered, or not otherwise maintained, so that the water has become or is becoming polluted water.

(P) Parking, Storing or Maintaining Certain Items on Property Designed or Used as a Residence Prohibited

The parking, storing or maintaining of any one or more of the following items on property designed or used as a residence shall constitute "property blight":

- 1) Any construction or commercial equipment, machinery, vehicle having a gross vehicle weight rating of ten thousand pounds or more, or construction materials, except that the construction equipment, machinery, vehicle or materials may be temporarily kept within or upon the property for and during the time that the equipment, machinery, vehicle, or materials are required in connection with the delivery, pick-up, construction, installation, repair, or alteration of improvements or facilities on the property, unless the activity is otherwise prohibited by this ordinance, by any permit issued pursuant to this ordinance, or by other applicable law.
- 2) Any un-mounted camper shell in an area visible from any street.
- 3) Any motor vehicle, boat, or trailer that is defaced with graffiti and is in an area visible from any street for a period of time in excess of seventy-two (72) consecutive hours.
- 4) Any refrigerator or other appliances, in an area visible from any street or in an area accessible to the public.

(Q) Parking, Storing or Maintaining Special Mobile Equipment

No special mobile equipment shall be parked, stored, or maintained in an area visible from any street for a period of time in excess of seventy-two (72) consecutive hours. No special mobile equipment shall be parked, stored, or kept within five (5) feet of any required building exit, including exit windows.

(R) Parking, Storing or Maintaining Motor Vehicles and Boats

No motor vehicle or boat that has been wrecked, dismantled or disassembled, or any part thereof, or any motor vehicle that is disabled or may not be operated because of the need of repairs or for any other reason shall be parked, stored, or maintained in any area visible from any street for a period of time in excess of seventy-two (72) consecutive hours.

(S) Storing or Maintaining Households Items

No household item shall be stored or maintained in a carport or area visible from any street for a period of time in excess of seventy-two (72) consecutive hours. The storage or maintenance of a household item in a side or rear yard shall either be:

- 1) In an accessory building constructed in accordance with the provisions of this ordinance; or
- 2) In an area that provides for a five (5) foot setback from any property line and, which is not visible from any street.

No household item shall be stored, or maintained within five (5) feet of any required building exit, including exit windows. This section does not prohibit the storage, or maintenance of machinery installed in accordance with the provisions of this ordinance in the rear or side yard setback areas for household or recreational use, furniture designed and used for outdoor activities, or any item stored or kept within an enclosed storage structure.

(T) Storing or Maintaining of Boxes, Lumber, Dirt, and Other Debris

No boxes, lumber, soil, or other debris shall be stored or maintained in a carport or area visible from any street for a period of time in excess of seventy-two consecutive hours.

The storage or maintenance of boxes, lumber, soil, or other debris in a side or rear yard shall either be:

- 1) In an accessory building constructed in accordance with the provisions of this ordinance; or
- 2) In an area that provides for a five (5) foot setback from any property line, and which is not visible from any street.

No boxes, lumber, soil, or other debris shall be stored or maintained within five (5) feet of any required exit, including exit windows.

(U) Activities Prohibited on Property Designed or Used as a Residence

The following activities on any property designed or used as a residence constitute property blight:

- 1) Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, or servicing, in any setback area, of any motor vehicle, special mobile equipment, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.
- 2) The use of any motor vehicle for living or sleeping quarters in any place in the town, except in a location lawfully operated as a mobile home park or travel trailer park, subject to the following:
 - (a) Nothing contained in this section shall be deemed to prohibit bona fide guests of a town resident from occupying a recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two hours.
 - (b) Any recreational vehicle so used shall not discharge any waste or sewage into the town's sewer system except through the residential discharge connection of the residential premises on which the recreational vehicle is parked.

(V) Exclusions

This section shall not prohibit the following:

- (1) An owner, lessee, or occupant of the property from repairing, washing, cleaning, or servicing of personal property that is owned, leased, or rented by the owner, lessee, or occupant of the property so long as any repairing or servicing performed shall be completed within a seventy-two (72) consecutive hour period; or
- (2) Repairing or servicing of a motor vehicle or part thereof within a completely enclosed building in a lawful manner where it is not visible from the street or other public or private property.

(W) Residential Parking Restrictions

On a property designed or used as a residence, no person shall park or store any trailer, boat or motor vehicle in the front yard of property that results in:

- (1) Uncut grass or weeds under or around the trailer, boat or motor vehicle, or deteriorates the lawn area to the extent that no grass remains under or adjacent to the trailer, boat or motor vehicle; or
- (2) Creates an un-vegetated area(s) that allows for standing water or significant erosion of the area(s) onto a public street or adjoining property.

(X) Recreational Vehicle Parking and Storage Limitations

On a property designed or used as a residence, no person shall park or store any recreational vehicle in any yard adjacent to a public street that results in uncut grass or weeds under or around the trailer, boat or motor vehicle, or deteriorates the lawn area to the extent that no grass remains under or adjacent to the trailer, boat or motor vehicle.

An owner of operator of a recreational vehicle parked or stored on property designed or used as a residence shall be an occupant of the property upon which the recreational vehicle is parked or stored, except as set forth in this Section.

No property owner or tenant shall allow or suffer another person to park or store a recreational vehicle on property designed or used as a residence in a manner prohibited by any provision of this ordinance.

(Y) Enforcement

Y(1) General Enforcement

Violations of this ordinance shall subject the violator to civil penalties and/or where permitted by law, equitable remedies for said violation as hereinafter provided.

Y(2) Procedures Upon Discovery of Violation

Upon the determination of the code enforcement officer or other appropriate governmental official, that this ordinance is being violated, the officer or official shall deliver a written notice by personal service or by registered or certified mail, return receipt requested, to the owner of the real property where the violation has occurred, indicating the nature of the violation and ordering the action necessary to correct it. The notice shall further give the owner ten (10) days to correct the violation and shall encourage the owner to contact the town or attend the next scheduled board meeting if they desire to discuss the violation. The notice shall also inform the owner that if the violation is not corrected then the town may correct the problem itself and the owner would be liable for the costs associated with said correction measures and if these costs go unpaid, the costs would become a lien against the real property.

Y(3) Penalties and Remedies

The town code enforcement officer, and any other town official having authority to assess civil penalties under this ordinance, are hereby empowered to issue civil citations upon the observance of a violation of this ordinance.

The minimum civil penalties for violation of this ordinance shall be as follows:

a. Restitution of damages. The town may seek restitution of damages or extra expenses including the cost of clean up, resulting from any violation of this ordinance. The minimum charge will be \$25.00. Actual charges will be determined by the planning director or authorized personnel. The total costs incurred by the town in removing or otherwise remedying a violation of this ordinance 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 of such premises with instructions that such charges are due and payable within thirty (30) day from receipt thereof. In any case such costs are imposed under the provisions of this ordinance, the town clerk shall properly certify to

the tax collector, in writing, the nature of the work and date performed, the name of the property owner, the address of the property, and the total costs to the town, including actual costs of labor and material, investigation of ownership and violation, inspection, etc.

b. Monetary penalties. The minimum civil penalties for violation of this ordinance shall be as follows:

first offense \$50.00

second offense 100.00

subsequent offense 200.00

c. Lien against real property. In the event charges for the removal or abatement of a violation of this ordinance are not paid within thirty (30) days after the receipt of a statement of charges as provided for in Section 4 of this ordinance, such charges shall become a lien upon the parcel where the violation existed and shall be collected as unpaid taxes, together with any legal expenses, court costs, including attorneys' fees, as provided in NCGS 160(a)-193.

(Z) SEVERABILITY

If any section contained herein should be held invalid for any reason, such determination shall not affect the remaining sections, and to that end the provisions of this code are hereby declared severable.

(AA) SUPPLEMENTAL ORDINANCES

Note: The town of Pine Level has several ordinances that supplement the standards and requirements of this Community Appearance Code as follows:

1. Ordinance Abandoned, Nuisance and Junked Vehicles
2. Ordinance Noxious Weeds, Grass and Similar Nuisances
3. Ordinance Collection of Garbage and Other Refuse
4. Ordinance Minimum Housing Standards

(BB) EFFECTIVE DATE

This code shall be effective as of the date of its adoption by the Pine Level Board of Commissioners.

(CC) ADOPTION

Adopted this 9th day of October 2006.

Jay J Holt – Mayor

Attest:

Sharon Thompson – Town Clerk

(SEAL)