

ARTICLE 24
NUISANCE ABATEMENT AND PROPERTY MANAGEMENT CODE

24.1 Title

This article shall be known as the Town of Jamestown Nuisance Abatement and Property Maintenance Code.

24.2 Purpose

The Town of Jamestown has determined that poorly maintained properties can lead to neighborhood decline by contributing to lower property values and by and discouraging potential buyers from purchasing in neighborhoods with poorly maintained properties. Additionally, the Town has determined that poorly maintained properties create public safety impacts, including creating fire and other life safety hazards, serving as places for the infestation of insects and vermin, and creating attractive public nuisances. The Town recognizes that it has an obligation to protect its residential and nonresidential neighborhoods from decline and devaluation and to maintain public health and safety. Consequently, the Town has established the following regulations for nuisance abatement and the maintenance of properties within its corporate jurisdiction and its extraterritorial jurisdiction.

24.3 Scope

The provisions of this code shall apply to all structures, premises and properties within the corporate jurisdiction of the Town of Jamestown and its extraterritorial jurisdiction.

24.4 Maintenance of Structures

24.4-1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces, except that surfaces designed for stabilization by oxidation, such as copper roofs and flashing, are exempt from this requirement. The following standards are established for particular exterior features of structures:

- Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.
- Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects and vermin.
- Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained to prevent deterioration.
- Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Water from roofs shall not be discharged in a manner that creates a public nuisance.
- Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or other surface treatments.
- Stairways, decks, porches, and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained in a structurally sound condition, with proper anchorage and support capable of handling normally imposed loads.
- Chimneys and towers. All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained in a structurally safe and sound condition. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or other surface treatments.
- Handrails and guards. Every handrail and guard shall be firmly fastened in a manner capable of supporting normally imposed loads and shall be maintained in good condition.

- Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, in good repair and weather-tight.
- Glazing. All glazing materials shall be maintained free from cracks and holes.
- Operable windows. Every window, other than a fixed window, shall be easily operable and capable of being held in both open and closed positions by window hardware.
- Insect screens. Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed. Where required and installed, screens shall be maintained in good condition, free of holes and other openings.
- Doors. All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

24.4-2 Vacant or unoccupied structures. Vacant or unoccupied structures shall be maintained in accordance with the standards provided in section 24.4-1 above. Such structures shall be further maintained so as to prohibit unauthorized entry.

24.4-3 Structures undergoing demolition. Structures undergoing demolition shall be maintained to protect public safety, health, and welfare. In particular, demolition operations shall:

- Minimize the off-site release of dust and other particulates.
- Be maintained and secured so as to not create an attractive public nuisance.
- Remove salvage materials, debris, and rubble periodically so as to maintain safe on-site working conditions.
- Result in full and complete post-demolition cleanup, including the removal of all debris and rubble and maintaining compliance with the property maintenance standards in section 24.5 below.

As part of demolition permitting, the Town may require the posting of performance bonds or other financial guarantees as deemed necessary to ensure compliance with these regulations.

24.4-4 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the

occupants of the structure because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible. Unsafe structures shall be subject to the enforcement procedures provided in section 24.6 below.

24.5 Maintenance of Property and Premises.

- 24.5-1 General. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. Specific standards for exterior features and situations are provided as follows:
- Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, except for approved retention areas and reservoirs.
 - Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Public sidewalks shall not be blocked by trees and other vegetation located on adjoining private properties and shall be kept clear of weeds, litter, and other potential obstructions by the adjoining private property owner.
 - Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of nine inches other than trees, shrubs, and cultivated flowers and gardens.
 - Rodent and insect harborage. All structures and exterior property shall be kept free from rodent and insect harborage and infestation. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and insect harborage and prevent reinfestation.
 - Exhaust vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
 - Accessory structures. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.
 - Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided

that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- Defacement of property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti unless specifically allowed by the Town. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair in a reasonably expeditious fashion, not to exceed 30 days.
- Swimming pools, hot tubs, and spas. Swimming pools, hot tubs, and spas located exterior to a structure shall be maintained in a clean and sanitary condition and in good repair. Private swimming pools, hot tubs, and spas containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool, hot tub, or spa. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No such enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.
- Accumulation of rubbish or garbage. All exterior property and premises shall be free from any accumulation of rubbish or garbage, including trash, junk, debris, dead vegetation, building materials, accumulations of newspapers, circulars, and flyers, and discarded personal items such as furniture, clothing, and large and small appliances. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved containers supplied by the owner of every occupied premises. The owner of the property or premises shall be responsible for the removal of rubbish and garbage.
- Refrigerators and other large appliances. Refrigerators and other large appliances not in operation shall not be discarded, abandoned, or stored in an exterior location on any premises. Refrigerators shall not be placed in an exterior location for pick-up and disposal by the Town of Jamestown without removal of the doors. Refrigerators and other large appliances shall not be placed in an exterior location for more than five (5) days for pick-up and disposal by the Town of Jamestown.
- Outdoor storage of equipment, appliances, raw materials for manufacturing, items being recycled, vehicles undergoing repair or dismantling, and similar items used or sold in the conduct of a business shall be screened from view from areas off the premises by fencing or landscaping. Goods or other items that are part of approved

outdoor displays, such as cars for sale at a new or used car lot, seasonal plants and vegetables for sale at a lawn and garden store, etc., shall be exempt from this requirement.

24.6 Administration

- 24.6-1 Responsibility for administration. The Town of Jamestown Planning Director, or his/her designee, shall be responsible for the administration of these regulations. Such duties shall include the review and evaluation of complaints regarding nuisances and unmaintained properties, the inspection of structures, properties, and premises perceived to be in violation of these regulations, the pursuit of remedies for violations of these regulations, and the assignment of penalties as specified in these regulations for the purpose of obtaining regulatory compliance.
- 24.6-2 Review and evaluation of complaints. Citizen complaints regarding nuisances and unmaintained properties shall be presented in writing to the Planning Director. Upon receiving the complaint, the Planning Director shall review and evaluate said complaint. This review and evaluation may include inspection(s) of the subject property, meetings with the property owner(s), and other actions as needed to prepare a thorough evaluation of the complaint. Upon completion of the evaluation, the Planning Director shall prepare a report detailing his/her evaluation for presentation to the Jamestown Town Council. This report shall include a recommendation regarding action to be taken in response to the complaint. This report shall be forwarded to the Town Council for review and action at a regularly scheduled meeting. Upon reviewing the report, the Town Council shall direct staff regarding action to be taken in response to the complaint.
- 24.6-3 Inspections. The Planning Director or designee shall personally make all of the required inspections, or shall accept reports of inspection by qualified third-party agencies or individuals. All reports of such inspections shall be in writing and shall be certified by a responsible officer of such qualified agency or individual. The Planning Director or designee is authorized to engage such expert opinion as deemed necessary to satisfactorily administer these regulations. Payment of inspection costs associated with third-party agencies or individuals shall be assigned to the owner of record of the subject structure, property or premises upon determination that a violation exists and shall be so noted in the notice of violation.
- 24.6-4 Right of entry. In carrying out these duties, the Planning Director or designee is authorized to enter such structures, properties, or premises at reasonable times. If entry is refused or not obtained, recourse shall be pursued as provided by law.

24.6-5 Relief from personal liability. Any official, officer, employee, or authorized qualified third-party agency or individual charged with the enforcement of this code, while acting for the Town, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of the official duties described herein.

24.7 Enforcement.

24.7-1 General enforcement. Except for unsafe structures, a violation of these regulations shall be enforced as provided below. In no case shall violations of this ordinance be considered criminal offenses except as specifically provided by statute.

24.7-2 Notice of violation. The Planning Director shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within 30 days after receipt of the notice of violation. The violator may be the property owner, the leasehold tenant, or occupant, or any combination thereof deemed necessary to ensure compliance with these regulations.

24.7-3 Failure to comply with a notice of violation. Any person who fails to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of five hundred dollars (\$500.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. The decision of the Planning Director to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested, or by any means authorized under G.S. 1A-1, Rule 4.

24.7-4 Appeal to Superior Court. Every decision of the Planning Director to assess a civil penalty shall be subject to review by the Guilford County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the clerk of Superior Court within 30 days after the decision of the Planning Director to assess a civil penalty.

24.7-5 Failure to Appeal and/or Pay. Any civil penalty assessed a person who violates the provisions of these regulations shall be recovered by the Town in a civil action in the nature of a debt, to be brought in the Guilford County Superior Court if the violator fails to give notice of

timely appeal and fails to pay the penalty within the prescribed period of time after he or she has been cited for the violation.

24.7-6 Unsafe structure enforcement. An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible. Such structures shall be condemned and removed in accordance with the provisions of G.S. 160A-426 through 160A-432 and this article.

24.7-7 Posting. Upon determination that an unsafe structure exists, the Planning Director shall post a notice of condemnation in conspicuous place on the exterior wall of the building as required in G.S. 160A-426. Such notice may order the structure closed up to the extent necessary to not constitute an attractive nuisance.

24.7-8 Removal of notice of condemnation. Any person removing a notice of condemnation posted by the Planning Director shall be guilty of a civil penalty as specified in G.S. 160A-427.

24.7-9 Vacation. Any occupied structure condemned and posted by the Planning Director shall be vacated as ordered by the Planning Director.

24.7-10 Notice; failure to take corrective action. If the owner of a structure that has been condemned as unsafe pursuant to G.S. 160A-426 fails to take prompt corrective action, the Planning Director shall give him written notice, by certified or registered mail to his last known address or by personal service. The notice shall specify that the building or structure is in a condition that appears to meet one or more of the following conditions:

- Constitutes a fire or safety hazard.
- Is dangerous to life, health, or other property.
- Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
- Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

The notice shall further specify that a hearing will be held before the Planning Director at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and that following the hearing, the Planning Director may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

- 24.7-11 Alternative notice. If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the Town at least once not later than one week prior to the hearing.
- 24.7-12 Order to take corrective action. If, following the hearing described above, the Planning Director finds that the structure is unsafe, he or she shall issue an order that specifies the corrective action that must be taken by the property owner under a timeframe that complies with G.S. 160A-429.
- 24.7-13 Appeal of order to take corrective action. The property owner may appeal the order to take corrective action in accordance with the provisions of G.S. 160A-430.
- 24.7-14 Failure to comply with order. Any person who fails to comply with an order to take corrective action shall be subject to a civil penalty of up to \$500 per day, with each day on which action to comply is not taken considered a separate violation. The Town may enforce the order as provided in G.S. 160A-432.