

## CHAPTER 91: GENERAL PUBLIC NUISANCES

### Section

- 91.01 Declaration of public nuisance
- 91.02 Complaint; investigation of public nuisance
- 91.03 Abatement procedure
- 91.04 Alternative remedies
- 91.05 Adoption of noise ordinance
- 91.06 Adoption of firearms ordinance

### § 91.01 DECLARATION OF PUBLIC NUISANCE.

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

(A) Any weeds or other noxious vegetation having an overall height of more than 18 inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants;

(B) Any accumulation of trash and/or garbage which is the result of the absence or of overflowing or improperly closed trash or garbage containers;

(C) Accumulation in an open place of hazardous or toxic materials and chemicals;

(D) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;

(E) Any accumulation of garbage, rubbish, trash or junk 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, mice, snakes, mosquitoes or vermin prejudicial to the public health;

**Trinity - General Regulations**

(F) 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;

(G) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items;

(H) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the City Manager or his or her designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises; and

(I) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.  
(Ord. passed 7-16-2002)

**§ 91.02 COMPLAINT; INVESTIGATION OF PUBLIC NUISANCE.**

(A) When any condition in violation of this section is found to exist, the Housing Inspector or other persons as may be designated by the City Manager or the City Manager himself or herself, shall give notice to the owner of the premises to abate or remove conditions within 10 days. Notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within 10 days, the city may proceed to correct the same as authorized by this section.

(B) Service of notice shall be by any 1 of the following methods:

(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner;

(2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon; or

(3) By posting and keeping posted, for 10 days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by methods (1) and (2) above.

(Ord. passed 7-16-2002)

**§ 91.03 ABATEMENT PROCEDURE.**

If the owner of any property fails to comply with a notice given pursuant to § 91.02, within 10 days after the service of the notice, he or she shall be subject to prosecution for violation of this chapter in

accordance with law and each day that failure continues shall be a separate offense. In addition, the City Manager may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All expenses shall constitute a lien against the property on which the work was done.

(Ord. passed 7-16-2002)

**§ 91.04 ALTERNATIVE REMEDIES.**

(A) The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances. This chapter shall not prevent the city from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. § 14-4. In addition to the remedies provided for herein, any violation of the terms of this chapter shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in the "General Penalties; Enforcement of Ordinances; Continuing Violations Ordinance of the City of Trinity".

(B) All ordinances in conflict with the provisions of this chapter are hereby repealed to the extent of the conflict.

(C) This chapter shall become effective upon its adoption by the City Council of the City of Trinity, North Carolina.

(Ord. passed 7-16-2002)

**§ 91.05 ADOPTION OF NOISE ORDINANCE.**

(A) The health and welfare of Trinity residents requires enactment of a section to minimize and control the emission of loud, intense noises which disturb the tranquility of the community and jeopardize the health, safety or welfare of the people; and adoption of Randolph County's Noise Ordinance will authorize the Randolph County Sheriff's Department to enforce the County's Noise Ordinance within the corporate boundaries of the City of Trinity; and the Sheriff of Randolph County has agreed to enforce this section within the corporate boundaries of Trinity in the same manner as the department enforces the section in the unincorporated areas of Randolph County; therefore be it resolved, that the Trinity City Council adopts the Noise Ordinance of Randolph County and all amendments to same, as the Noise Ordinance of the City of Trinity.

(Res. passed 9-16-2003)

(B) Pursuant to G.S. §§ 153A-121 and 153A-133, the Commissioners of Randolph County do enact the following divisions for the purposes of promoting, safeguarding and maintaining the health, safety and welfare of the citizens and the peace and dignity of the county.

**Trinity - General Regulations**

(C) Subject to the provisions of this section, the creation of any unreasonably loud and disturbing noise of a character, intensity and duration as to be detrimental to the health, safety or welfare of any individual is prohibited in Randolph County.

(D) The following acts, among others, are declared to be loud, disturbing noises in violation of this section, but enumeration shall not be deemed to be exclusive;

(1) The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity;

(2) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any unreasonably loud or harsh sound; and the sounding of a device for any unnecessary and unreasonable period of time;

(3) The playing of any radio, phonograph, tape player, television set, musical instrument or sound amplification device in a manner or with volume, particularly during hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other type of residence;

(4) The keeping of any animal which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity; and

(5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(E) The presence of the owner or tenant on the premises from which the noise emanates shall be prima facie evidence that the owner or tenant is the originator of the noise.

(F) If any person or persons shall violate this section he or she shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$50 or imprisonment for not more than 3 days or by both fine and imprisonment. Each separate violation shall constitute a separate offense.

(G) This section shall apply to all areas in Randolph County outside of the corporate limits of the municipalities located therein unless adopted by the municipality pursuant to G.S. § 153A-122.

(H) This section shall become effective on September 1, 1985, upon motion of Commissioner Davidson, seconded by Commissioner Langley, the foregoing section was passed by the following vote on August 5, 1985.

(Ord. passed 8-5-1985)

**§ 91.06 ADOPTION OF FIREARMS ORDINANCE.**

(A) Pursuant to G.S. § 160A-174, a municipality may by ordinance regulate acts or conditions detrimental to the health, safety or welfare of its citizens and the peace and dignity of the city. Pursuant to G.S. § 153A-122, the governing council of a city may by resolution permit a county ordinance adopted pursuant to this section to be applicable within the city; and the health, safety and welfare of Trinity residents requires enactment of a section to regulate the discharge of firearms within the city limits; and adoption of Randolph County's Ordinance Regulating the Discharge of Firearms will authorize the Randolph County Sheriff's Department to enforce the County's Firearms Ordinance within the corporate boundaries of the City of Trinity; therefore be it resolved, that the Trinity City Council adopts Randolph County's Ordinance Regulating the Discharge of Firearms and all amendments to the same, a copy of which is marked divisions (B) through (E) below and incorporated herein by reference, as the city's ordinance regulating the discharge of firearms.

(Res. passed 12-14-2004)

(B) No person shall discharge a firearm in a manner as to allow the projectile from that firearm to impact upon or travel across the property of another without the consent of that property owner or the lawful occupier thereof. A **FIREARM** means a weapon which will expel a projectile by the action of an explosive.

(C) This section shall not be construed as prohibiting discharge of a firearm:

- (1) By law enforcement or animal control officers in the performance of their duty; or
- (2) In defense of life or property.

(D) This section shall not be construed to rescind any of the state wildlife laws of North Carolina.

(E) A violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$500 or imprisonment for not more than 30 days; provided further, that a violation of this section may cause a civil penalty to be recovered by Randolph County in a civil action in the nature of a debt in accordance with G.S. § 153A-123; provided further, that this section may be enforced by an appropriate, equitable remedy, including injunction and order of abatement, issued from a court of competent jurisdiction in accordance with G.S. § 153A-123. Each day's continuing violation of this section shall constitute a separate and distinct offense. This section shall become effective June 7, 1993.

(Ord. passed - -)

