

Chapter 17

COMMUNITY APPEARANCE STANDARDS

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Existing:

**Chapter 17
COMMUNITY APPEARANCE STANDARDS
DIVISION III**

Section. 17 – 06. Definitions

For the purpose of this code, the following terms shall have the respective meaning ascribed to them all other terms shall have the meaning ascribed in Webster's Dictionary.

ADD:

Boat, a vehicle of any size used for traveling on water.

Recreational Vehicle, a vehicle that often has a bathroom, kitchen, and beds for use during travel and camping.

Livestock Trailer, an unpowered vehicle designed to be towed by a motor vehicle commonly used to transport animal livestock and goods.

DIVISION IV. General Requirements

ADD:

Section 17-07.9 – Boats, (except for kayaks and canoes), Recreational Vehicles, and Livestock Trailers

Parking or storage of boats (whether mounted on trailers or unmounted), recreational vehicles, or livestock trailers, except for loading and unloading activities is not permitted within the front yard in any Residential Land Use District (R-40 to R-O). Screening from the adjacent properties is encouraged.

No more than two (2) boats, recreational vehicles, and livestock trailers, or any combination of those mentioned will be allowed unless stored within an enclosed structure out of view from surrounding properties.

Livestock Trailers may be allowed in the side yard areas if the lot is located within the R-40 zoning district that is designated as an agricultural use.

Article II. Community Appearance Standards Code

Section 17-01 Purpose.

It is hereby found and determined that areas subject to the zoning jurisdiction of the city have need for a property maintenance code, because of the existence of conditions herein determined to be unlawful, constitute a visual blight and detriment upon the surrounding neighborhood and create substantial and unreasonable interferences with the reasonable and lawful use and enjoyment of other premises in the neighborhood, or such conditions inhibit property values, deter tourism, interfere with the public health, safety and general welfare or otherwise discourage the happiness, comfort and emotional stability of the citizenry.

Section 17-02 Authority.

Adopted pursuant to NCGS 160A-381, and applied within the corporate limits of the City of Cherryville.

Section 17-03 Title.

This ordinance shall be known as the 'Community Appearance Standards Code of the City of Cherryville', and maybe referred to as the 'Community Appearance Code'. In accordance with the prescribed procedures of the City of Cherryville and with concurrence of the City Manager, the Zoning Administrator shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

Division I. Department of Community Appearance Standards

Section 17-04.1 General.

The department of community appearance standards is hereby created and the executive official in charge thereof shall be known as the Zoning Administrator.

Section 17-04.2 Appointment

The Zoning Administrator shall be appointed by the City Manager; and the Zoning Administrator shall not be removed from office except for cause and after full opportunity to be heard of specific and relevant charges by and before the appointing authority.

Section 17-04.3 Deputies.

In accordance with the prescribed procedures of the City of Cherryville and with concurrence of the City Manager, the Zoning Administrator shall have the authority to appoint a

deputy code official, other related technical officers, inspectors and other employees.

Section 17-04.4 Conflict of Interest.

An official or employee connected with the enforcement of this code, shall not be engaged in or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or the premises, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interest of the department.

Section 17-04.5 Liability

The Zoning Administrator, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, 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 official duties.

Section 17-05.1 Administration and Enforcement.

General. The Zoning Administrator shall enforce the provisions of this code, and is hereby authorized to use either city equipment or private contractors as his or her discretion.

Section 17-05.2 Right-of-entry.

Officers, employees or representatives of the city shall have the authority to enter upon property, to obtain an administrative search warrant if necessary, to issue a notice of violation, to enter upon or authorize an agent to enter upon and clean up the premises if there is no compliance with the notice of violation, and file a lien against the property in the event that the city seeks to secure the cost of bringing the property into compliance with this Code through the collection of costs as unpaid taxes.

Section 17-.05.3 Abatement.

If the owner, occupant or tenant of any premises fails to comply with a notice of violation of the community standards code within five (5) business days upon receipt of notice, the city shall have the authority to enter onto such land and clean the same; and to charge the cost or expense of such action, plus any administrative cost, against the owner, occupant and/or tenant. In the event, such charge or expense shall constitute a lien against such property, which

lien may be collected in the same manner as the collection of a tax lien.

Section 17-05.4 Interference with personnel.

It shall be unlawful for any person to interfere, harass or otherwise impede any city inspector, employee or agent carrying out official duties, when acting within the scope of official duties, or when such inspector, employee or agent has authority to conduct an investigation under the authority of a lawful issued administrative search warrant and when carrying out the enforcement provisions of this code after notice of violation has been issued and the time for compliance has expired.

Section 17-05.5 Responsibility of owner and agents.

The owner, agent, tenant, occupant, or lessee of all residential, commercial, industrial, institutional or governmental establishments shall be responsible for compliance with this code. "Owner, agent, occupant, tenant, or lessee," as used in this section, shall mean anyone owning and/or occupying a dwelling, building or premises for seven (7) or more consecutive days and who is, thus, also responsible for correcting the violation.

Section 17-06 Definitions.

For the purpose of this code, the following terms shall have the respective meanings ascribed to them; all other terms shall have the meaning ascribed in Webster's Dictionary.

Building Material: Any materials or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings, demolition of existing buildings or moving a building.

Declared Nuisance: Anything that causes injury or damage to the health or life of any person, is a detriment to the surrounding property values, or that causes an offensive odor.

Foul/Noxious Odor: Odors emanating from garbage, stagnate water, and animal or human waste.

Garbage: The by-product of animal or vegetable food stuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction, or the generation of noxious or foul odors, or which during or after decay may serve as a breeding or feeding material for flies, other insects, or animals.

Junk: Any item, including, but not limited to, dilapidated furniture, appliances, machinery, equipment, building material, automobile parts, tires, or other items which are either wholly or partially rusted, wrecked, junked, dismantled, or in an inoperative condition.

Litter: All discarded man-made materials including, but not limited to, building materials, business trash, garbage, household trash, industrial waste, refuse, yard trash and other solid waste.

Noxious Vines and/or Weeds: Includes but is not limited to, kudzu, honeysuckle, poison oak, poison ivy, wisteria and sumac.

Occupant: Any person who occupies a dwelling or leases a building for seven (7) or more consecutive days.

Premises: The private property including the yard and up to the edge of pavement or gravel of any public street.

Private Property: Property owned by any person, not a political entity, including, but not limited to, yards, grounds, driveways, entrances, or passageways, parking areas, storage areas, vacant land, bodies of water and including sidewalks, grass strips, one-half of alleys, curbs, or right-of-ways up to the edge of the pavement or gravel of any public street.

Open Spaces: Areas of private property or portions thereof that are open to the exterior, including building openings or residential dwelling units, such as carports or porches, and any other exterior portions or properties ordinarily exposed to the outside and/or public view, including front, side and rear yards.

Improved Property: Property upon which any building or structure is located, or any public street.

Division IV. General Requirements

Section 17-07.1 General Requirements.

Accumulations generally. It shall be unlawful for any person to maintain premises, including vacant lots or land upon which trash, garbage, appliances, dead animals, or miscellaneous refuse, or any substance which causes foul odor, is permitted or caused to accumulate in any manner which is or may become a nuisance, or which may cause injury to the health or welfare or residents in the vicinity of which may damage neighboring property. The owner and/or occupant of such property shall remove any substance, vegetation or solid waste or correct any such

Condition within five (5) business upon receipt of notice from the city.

Section 17-07.2 Junk.

It shall be unlawful for any person to have on their premises materials that would create a littered condition such as dilapidated furniture, appliances, machinery, equipment, building material, automobiles parts, tires, or other items which are in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition, which are completely enclosed within a building or dwelling.

Section 17-07.3 Open Spaces.

It shall be unlawful for any person to place deteriorated, dilapidated, or abandoned household or office furniture in an open space. As well as any products with jagged edges of metal or glass.

Section 17-07.4 Exterior Property Areas.

Private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Section 17-07.5 Weeds, Grass, Noxious Vines, and other Vegetation.

It shall be unlawful for the owner and/or occupant of improved property or vacant lots to cut grass, weeds, or overgrowth is of a height greater than eighteen (18) inches, or to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any of one (1) of which situations is declared to be a nuisance. Vacant lots (excluding wooded property) adjacent to improved property shall be kept no more than eighteen (18) inches in height and shall be cut within one hundred (100) feet of such improved property, the rest of which shall be cut when the height exceeds twenty four (24) inches.

Section 17-07.6 Fences, Retaining Walls or similar Landscape features.

It shall be unlawful for the owner and/or occupant of property to fail to maintain fences, retaining walls or similar landscape features in good structural condition and appearance, or free from deterioration. Wooden or other fence features subject to deterioration or weathering shall be properly maintained to retard deterioration or provide protection from the weather. Deterioration features shall be replaced or repaired, or if not otherwise required to be

maintained by the City of Cherryville's Zoning Ordinance, shall be completely removed.

Section 17-07.7 Swimming Pools, Hot Tubs, and Fountains.

It shall be unlawful for the owner or occupant of the property to fail to maintain swimming pools, hot tubs, and/or fountains in a clean and sanitary condition, and in good repair.

Section 17-07.8 Landscape Pools, and or Ponds.

It shall be unlawful for the owner or occupant of the property to fail to maintain landscape pools and or ponds in a condition so as to prevent noxious odors, breeding grounds for mosquitoes, and/or a refuge for snakes.

Division V. Penalties

Section 17-08.1 General.

The City may take one or more of the following courses of action in enforcing any violation of this code.

- (a) A civil penalty of twenty-five dollars (\$25.00) may be levied against any person who violates any section of this code.
- (b) The violator may be charged with a misdemeanor and be subject to a penalty, pursuant NCGC 14-4.
- (c) The city may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this code, on such person's property.
- (d) A lien may be levied against the property owner for the cost of any abatement by city personnel or private contractor as provided by the authority of the city.
- (e) If the owner fails to pay the penalties and/or cost of the abatement within thirty (30) days, the city may seek relief of the bill, by turning the bill over to a collection agency as provided by the authority of the city.

Section 17-08.2 Notice of a declared nuisance and citations.

A written notice will be delivered or sent by certified mail to the owner and/or his agents in the event that he or she violates this code. It shall be unlawful for any person, upon

receipt of the notice, to fail to comply within five (5) business days upon receipt of this notice.

Section 17-08.3 Citations.

Enforcement officers are empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of this code as referred to in Section 1-11 (g) in the City of Cherryville Code of Ordinances. These citations may be delivered in person to the violator or mailed certified mail. The citation shall direct the violator to pay the citation within five (5) business days upon receipt of notice. Such violation must be corrected by the time the citation is paid. Otherwise another citation will be issued. After the second citation is issued and the property owner does not correct the violation within the time allotted the city will then start the abatement process and all cost incurred will be charged against the property owner. If the property owner then fails to pay the penalties and/or cost of the abatement the city will take further course of action as referred to in Section 15-54.01 of this Code.

Section 17-08.4 Disposition of proceeds.

All proceeds received from the collection of penalties shall be deposited into the general fund.

Section 17-09 Right of Appeal

If a ruling of the Zoning Administrator is questioned, the aggrieved party may appeal such ruling to the Cherryville City Council. Said appeal shall be made in writing to the Zoning Administrator within ten (10) business days upon receipt of the notice of violation and shall pay a \$100.00 appeal fee.

Adopted this 11th day of February, 2002.