

CHAPTER 11 NUISANCE, HEALTH, AND SANITATION

ARTICLE 11-I IN GENERAL

ARTICLE 11-II GRASS, NOXIOUS WEEDS AND SIMILAR NUISANCES

ARTICLE 11-III MOSQUITO CONTROL

State Law reference— Nuisance as subject of action, G.S. 1-539; public health, G.S. Ch. 130A; Health Care Facilities Finance Act, G.S. Ch. 131A; health care facilities and services, G.S. Ch. 131E; municipal authority to abate nuisances, G.S. 160A-193; local administration of public health, G.S. 130A-34 et seq.; general ordinance-making power, G.S. 160A-174; removal of dead animals by department of transportation, G.S. 136-18(21).

ARTICLE 11-I IN GENERAL

Sec 11-1 Joint Liability for Violations

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Sec 11-1 Joint Liability for Violations

The owner, lessee, tenant or occupant or person in charge of any building or premises where there shall be any nuisance or any violation of any provision of this Code or town ordinance relating to health and sanitation shall be jointly and severally liable; therefore, each of them may be required to abate same or comply with the order of the board of commissioner within the time prescribed in such order.

Sec 11-2 Water Flow Obstructions

It shall be unlawful for any person to place any obstruction in any waterway so that the water shall accumulate on any street, or in any other manner to obstruct the flow of water through or from any street of the town, whether such obstruction is placed upon his own property or that of any other.

Sec 11-3 General Ordinance-Making Power

The Town by ordinance defines, prohibits, regulates, or abates acts, omissions, or conditions, that are detrimental to the health, safety, or welfare of Town citizens and the peace and dignity of the Town, and may define and abate nuisances.

HISTORY *Approved by Ord. Date Adopted on Date Adopted*

Sec 11-4 Enforcement of Ordinances

- a) The Town shall have power to impose fines and penalties for violation of Town ordinances and may secure injunctions and abatement orders to further ensure compliance with Town ordinances as provided by this section.
- b) This Chapter may provide that, violations shall subject the offender to a civil penalty to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for violation of the ordinance.
- c) This Chapter may provide that, violations may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

- d) This Chapter that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such an ordinance occurs, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repair be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.
- e) Subject to the express terms of the ordinance, this Chapter may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.
- f) This Chapter may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

HISTORY *Approved by Ord. Date Adopted on Date Adopted*

Sec 11-5 Abatement of Public Health Nuisances

- a) The Town shall have authority to summarily remove, abate, or remedy everything in the Town limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety. Pursuant to this section, the Town Board may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.
- b) The expense of the action is also a lien on any other real property owned by the person in default within the Town limits or within one mile of the Town limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another.
- c) The authority granted by this section does not authorize the application of a Town ordinance banning or otherwise limiting outdoor burning to persons living within one mile of the Town unless the Town provides those persons with either (i) trash and yard waste collection services or (ii) access to solid waste drop off sites on the same basis as Town residents.

HISTORY *Approved by Ord. Date Adopted on Date Adopted*

Sec 11-6 Abatement of Public Health Nuisance By The Secretary Of North Carolina Department Of Environmental Quality Or The Montgomery County Health Director

- a) In accordance with G.S. §130A-19, if the Secretary of North Carolina Department of Environmental Quality (Secretary) or Montgomery County Health Director (Director) determines that a public health nuisance exists, the Secretary or the Director may issue an order of abatement directing the owner, lessee, operator, or other person in control of the property to take any action necessary to abate the public health nuisance. If the person refuses to comply with the order, the Secretary or the Director may institute an action in the superior court of the county where the public health nuisance exists to enforce the order. The action shall be calendared for trial within 60 days after service of the complaint upon the defendant. The court may order the owner to abate the nuisance or direct the Secretary or the Director to abate the nuisance. If the Secretary or the Director is ordered to abate the nuisance, the Department of Environmental Quality or the County health department shall have a lien on the property for the costs of the abatement of the nuisance in the nature of a mechanic's and materialmen's lien as provided in Chapter 44A of the General Statutes and the lien may be enforced as provided therein.
- b) The Secretary and Director shall have the same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9 (Solid Waste Management) and 10 (NC Drinking Water Act) of Chapter 130A.

HISTORY *Approved by Ord. Date Adopted on Date Adopted*

Sec 11-7 Plant Pest Defined

A plant pest is hereby defined to mean any insect, mite, nematode, other invertebrate animal, disease, noxious weed, plant, or animal parasite in any stage of development which is injurious to plants and plant products.

HISTORY *Approved by Ord. Date Adopted on Date Adopted*

ARTICLE 11-II GRASS, NOXIOUS WEEDS AND SIMILAR NUISANCES

Sec 11-31 Deemed Unlawful

Sec 11-32 Enumeration

Sec 11-33 Notice to Abate

Sec 11-34 Penalty

Sec 11-35 Abatement by Town; Performance

Sec 11-36 Repeat Offenders; Chronic Violators

State Law reference— Plant pests, G.S. 106-419 et seq.; abatement of public health nuisance, G.S. 130A-19, 160A-193.

Sec 11-31 Deemed Unlawful

It shall be unlawful for the owner or occupant of any lot or parcel of land in the town to permit to exist on any such lot or parcel of land any condition which may be declared to be noxious, detrimental to health or to constitute a nuisance.

Sec 11-32 Enumeration

The following enumerated and described conditions 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 town and are found, deemed, and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate such nuisances is hereby declared unlawful:

- a) Any condition which is a breeding ground or harbor for mosquitoes, harmful insects, rats, or other pests.
- b) Any place of dense/heavy growth of weeds, grass, vines, or other noxious vegetation over twelve (12) inches in height.

1) Required:

- a. That is within two hundred (200) feet of the property line of an inhabited residence or business firm.
- b. A parcel consisting of adjacent vacant lots, under the same ownership, will be considered as one (1) lot.
- c. Any person owning real property within the town is hereby required to cut and remove the following from both the property and adjoining rights-of-way at all times:
 - 1. All weeds, grass, vines, and other noxious vegetation over twelve inches (12") in height.
 - 2. A place of growth of vines, shrubs, or other vegetation of any height when such condition is causing a breeding ground for rodents or is a focal point for any other nuisance enumerated in this section; and
 - 3. A place of growth of poison sumac, poison ivy, and poison oak of any height.

2) Exceptions:

- a. Active farming or agricultural uses.
- b. Trees and ornamental shrubs, cultured plants, flowers
- c. Growing and producing vegetable plants.
- d. Ornamental grasses chosen for features like color and form, such as switch grass, pampas grass, fountain grass, and bamboo.
- e. Lots exceeding one (1) acre in size, or a parcel with combined adjacent vacant lots exceeding one (1) acre in total size, or lots covered with trees:
 - 1. These lots shall be maintained to a depth of twenty (20) feet from the improved road surface for all dense growth and noxious vegetation where the main trunk, main stem, or main shaft is less than one (1) inch in thickness.
 - 2. If and only if the adjacent property is occupied by a dwelling or other structure, lots exceeding one (1) acre, vacant undeveloped lots, or lots covered with trees shall be maintained to a depth of twenty (20) feet from the side and rear property lines for all dense growth and noxious vegetation where the main trunk, main stem, or main shaft of vegetation is less than one (1) inch in thickness.
- f. Natural landscape areas and wooded lots shall be allowed under the following conditions:
 - 1. Natural landscape areas and wooded lots shall be maintained and shall not harbor, create nor allow to exist any condition defined as a nuisance or

determined by the code enforcement officer to be a condition which poses a health hazard for the general welfare of the public;

2. Natural landscape vegetation shall not overhang into the public right-of-way nor into adjoining properties; and
 3. Natural landscape areas shall utilize borders to define the areas. Borders may consist of, but not be limited to, edging material, an edge of low plants, wood, timber, or stone or woodchips.
- g. Those lands dedicated and accepted by the town as floodplain and open space, which are established in order to preserve natural greenways and/or natural connecting networks along floodways, streams, and creeks.
- c) An open place of collection of stagnant water where insects tend to breed.
 - d) Any 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) An open place of collection of trash, refuse, discarded bottles, cans, medical supplies, garbage, food waste, animal waste or any other rotten or putrescible matter of any kind; however, nothing in this subsection shall be construed to prevent the generally accepted use of a properly maintained compost pile or storage of animal manure being used as fertilizer for lawns and gardens and for other agricultural or horticultural purposes.
 - f) Privies.
 - g) Any products of any kind or nature openly kept which have rough or jagged edges of metal or glass.
 - h) Any accumulation of rubbish, trash, old building materials 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 of mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
 - i) Any condition detrimental to the public health which violates the rules and regulations of the county health department. One specific county health department regulation that is detrimental to public health is the discharging of wastewater not directly into an approved wastewater system [15A NCAC 18A .1937(a)].
 - j) Any concentration of building materials including concrete, steel or masonry which are not suitable for building construction, alterations, or repairs, and which are in open places.
 - k) Any household or office furniture, appliances or other metal products of any kind kept in open places, or any indoor upholstered furniture kept outside in a location exposed to the weather.
 - 1) Appliances, which are designed for indoor use, stored outside, however, these appliances may be kept inside the primary structure or in accessory structures, designed to withstand the elements and having a roof, wall, and door(s).
 - 2) Household furniture, which is not designed to withstand the elements, stored outside, or placed on porches, decks, or landings, or in accessory structures, or in yards or any other area which provides a location where insects, rodents, or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the use of household furniture in a totally enclosed porch, designed to withstand the elements and having a roof, walls, screens, or glass windows.
 - l) Any condition whereby any fence, sign, billboard, shrubbery, bush, tree, mailbox or other object or combination of objects which obstructs the view of motorists using any street, private driveway, or approach to any street intersection adjacent to and abutting such and so as to constitute a traffic

hazard as a condition dangerous to public safety upon any such street, private driveway or at any such street intersection.

- m) Obstructions or vegetation in the public right-of-way which a pose danger to the general public.
- n) Any building, structure, fence or retaining wall declared to be unsafe by the Code Enforcement Officer and which is in danger of collapse so that it may fall and injure members of the public or damage public or private property.
- o) Structures, remains of structures or lots with a condition that is detrimental, dangerous, or hazardous to the public safety, health, and welfare. For purposes of the enforcement of this subsection, this shall be a condition, which consists of one (1), or more, of the following:
 - 1) Glass, metal, or other sharp objects in accessible areas;
 - 2) Unstable structures or trees which may fall or collapse;
 - 3) Holes, excavations, surviving foundations or walls that may collapse or create heights in excess of three (3) feet in areas where they may be scaled;
 - 4) Any substance which is hazardous or harmful to humans or pets;
 - 5) Any open or accessible utility lines such as natural gas, water, sewer, or electrical;
 - 6) Structures and remains of structures open to the elements, which are a danger to children, or tend to attract vagrants, or persons intent on criminal activities or other activities that would constitute a public nuisance; and
 - 7) Structures ordered closed by Montgomery County Inspection Department or quasi-judicial authority which are reopened without cause or justification. Any owner of property, which is in non-compliance with this subsection, may enclose the portions of their property in violation with a secure fence of five (5) feet in height, which prevents the entry of humans until such time as the property is repaired to Code standards or completely demolished and is no longer in a detrimental, dangerous or hazardous state. Such enclosure shall be deemed in compliance with this subsection provided the enclosed nuisance condition does not and will not reach beyond the perimeter of the property.
- p) Any improper or inadequate drainage, as determined by the Code Enforcement Officer, on private property which causes flooding, interferes with the use of or endangers in any way the streets, sidewalks, parks, or other Town-owned property of any kind.
- q) Any condition, as determined by the Code Enforcement Officer, which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, swales, or drains, to the extent that standing water is created on the premises.
- r) Any stormwater retention or impoundment device (including backyard rain gardens) which is operating improperly, as determined by the Code Enforcement Officer.
- s) Any cistern or rain barrel collection system that is installed or maintained improperly and does not protect the public health and safety by becoming a public nuisance in accordance with G.S. 160A-202.
- t) Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than stormwater, unless associated with permitted activity, into a stormwater conveyance, the waters of the state or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state or any unlawful connection that allows the discharge of non-stormwater to the stormwater conveyance system or waters of the state.
- u) A condition which occurs when a tenant leaves leased property either voluntarily or involuntarily (including but not limited to ejectment or other landlord removal action) and leaves or abandons trash, debris and property and the owner or property town board fails to remove the trash, debris, or property from the leased property within 24 hours after the voluntary or involuntary removal of the tenant.

- v) Any place of growth of shrubs, trees or other vegetation that impedes public safety vehicle and firefighting equipment ingress and egress in the following locations that are utilized as public safety vehicle and firefighting equipment access routes and areas: private street easements, private drives, parking lots and/or drive isles, fire hydrant easements, designated fire lanes or other public vehicular areas.
- w) A condition which exists as the result of garbage, debris, refuse matter and recyclables located upon property which pose a public health nuisance or safety hazard.
- x) Hides, dried or green, provided the same may be kept when thoroughly cured and odorless.
- y) Any other condition declared to be dangerous or prejudicial to the public health or public safety and a public nuisance by the Board of Commissioner.

For the purpose of enforcement of this article, an open place is defined as an area of property or portion thereof that is open, including building openings of residential dwelling units that are open to the exterior, such as attached carports, or porches, and any other exterior portions of properties ordinarily exposed to public view.

For the purposes of this ordinance, a lawn is defined as a plot of grass within the curtilage of a home, business, or other commercial building that is regularly tended and kept closely mowed. Curtilage is the area encompassing the grounds and buildings immediately surrounding a home, business, or other commercial building.

The natural conditions on lands dedicated to and/or accepted by the Town as natural stream corridors, wetlands, floodplain and/or open space which are established in order to preserve natural greenways, vegetative stream buffers, and/or natural connecting networks along floodways, streams and creeks are deemed and declared as exceptions for the purpose of enforcement of this Chapter.

HISTORY Amended by Ord. Date Adopted on Date Adopted

Sec 11-33 Notice to Abate

- a) Whenever it shall come to the attention of the Code Enforcement Officer that there exists on any lot or parcel of land in the town any of the conditions enumerated in section 11-32, the Code Enforcement Officer shall forthwith give the owner a Notice to promptly abate such conditions within ten (10) calendar days from the date of such written notice (see section 11-33(b) below).
- b) The notice of violation letter:
 - 1) shall be delivered to the property owner and indicating that the violation exists, and that the violation must be remedied within ten (10) days of date of the letter;
 - 2) may be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity;
 - 3) shall be delivered by personal delivery, electronic delivery, or first-class mail;
 - 4) shall be posted in a conspicuous place on the property.
 - 5) shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty of:
 - (a) one hundred dollar (\$100.00) for the first offence,
 - (b) two hundred fifty dollars (\$250.00) for the second offence
 - (c) five hundred dollars (\$500.00) for the third offence and thereafter during the same calendar year) each day that the violation remains on the property is a separate violation.

HISTORY Amended by Ord. Date Adopted on Date Adopted

Sec 11-34 Penalty

- a) Any violation of this chapter or failure to abide by any lawful order issued pursuant to this chapter shall subject the offender to a civil penalty to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for violation of the ordinance.
- b) Civil penalties. At any time beyond the expiration of the ten (10) day warning period, a civil penalty letter:
 - 1) may be delivered to the property owner;
 - 2) may be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity;
 - 3) shall be delivered by personal delivery, electronic delivery, or first-class mail;
 - 4) shall be posted in a conspicuous place on the property.
 - 5) shall notify the offender that a daily civil penalty as stated in 11-33 5) (a) (b) or (c) is in effect beginning on the date of the letter and running up to and including the date the violation has been remedied.
- c) Civil Action. Should a violation continue to exist by the thirtieth (30th) day after the original notification, the town may seek to recover the penalty together with all costs (including but not limited to administrative, postage, contractors, and abatement) by filing a civil action in the general court of justice in the nature of a suit to collect a debt and seeking appropriate injunctive relief to remedy the violation.
- d) Each day a violation continues shall be a separate and distinct offense.
- e) In addition to the penalties imposed under subsections (a) and (b) above, the provisions of this chapter may also be enforced through equitable remedies issued by a court of competent jurisdiction including injunction and order of abatement or any other remedy permitted under this Code or at law or equity.
- f) This chapter may be enforced by any one, all or a combination of the remedies authorized herein.

Sec 11-35 Appeal Within the ten-day period mentioned in section 11-33(a)(b), the owner of the property where the nuisance exists may appeal the findings of the designated Town official to the Town by giving a written notice of appeal to the official who served the notice, the Town Clerk, or the Town board. The appeal must state the reason for the appeal. An appeal stays the abatement of the nuisances or penalty until a final determination by the town board.

HISTORY Amended by Ord. Date Adopted on Date Adopted

Sec 11-36 Abatement by Town; Performance

- a) As an alternative to the enforcement procedures set forth in sections 11-33 and 11-34 above, the town may choose to abate conditions constituting a nuisance. If any person, having been ordered by the Code Enforcement Officer to abate any nuisance or condition set forth in this chapter fails, neglects or refuses to abate or remove the nuisance or condition within specified days from the date of the notice to abate, and if an appeal has not been filed with the clerk within the 10 days as stated in 11-33 (a)(b) the town board or his/her designee may cause the nuisance or condition to be removed or otherwise remedied by having employees or contractors of the town go upon the premises and remove or otherwise abate such nuisance or condition.
- b) If the costs and expenses to the town of abating the violations are not paid within fourteen (14) days after a statement of such costs is delivered to the owner, lessee, or occupant of the land where the

violations occurred, the costs of the same shall be a lien upon such land or premises and shall be collected as unpaid taxes as provided in G.S. 160A-193. The statement:

- 1) shall be delivered by personal delivery, electronic delivery, or first-class mail; and
- 2) shall be posted in a conspicuous place on the property.

HISTORY Amended by Ord. Date Adopted on Date Adopted

Sec 11-37 Repeat Offenders; Chronic Violators

a) Repeat offense.

- 1) Any violation reoccurring on the same property by the same offender more than once within a twelve-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same section(s) of this article has previous offense(s).
- 2) A notice of violation letter:
 - a. shall be delivered to the property owner and indicating that the violation exists, that it is a repeat violation, and that the violation must be remedied within five (5) days of date of the letter;
 - b. may be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity;
 - c. shall be delivered by personal delivery, electronic delivery, or first-class mail;
 - d. shall be posted in a conspicuous place on the property.
 - e. shall state that upon expiration of the five (5) day warning period, the offender shall be subject to a civil penalty of up to five hundred dollars (\$500.00) for each day that the violation remains on the property. (11-33 (b) (5) (b) or (c)

b) Annual notice to chronic violators of public nuisance or overgrown vegetation ordinance.

- 1) If the town chooses to abate conditions constituting a nuisance itself, the town may notify a chronic violator of this chapter that, if the violator's property is found to be in violation of this chapter, the town may, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.
- 2) The notice shall be sent by certified mail. When service is attempted by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.
- 3) A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three (3) times under any provision of this chapter.

HISTORY Amended by Ord. Date Adopted on Date Adopted

ARTICLE 11-III MOSQUITO CONTROL

Sec 11-56 Definition

Sec 11-57 Presumption Of Violation Of Article Provisions

Sec 11-58 Enforcement Of Article Provisions

Sec 11-59 Breeding Places Prohibited; Exception

Sec 11-60 Code Enforcement Officer's Right Of Entry

Sec 11-61 Methods Of Treatment

State Law reference— Abatement of public health nuisance, G.S. 130A-19, 160A-193; mosquito and vector control, G.S. 130A-346 et seq.; pesticides, G.S. 143-434 et seq.

Sec 11-56 Definition

For the purpose of this article, any "collection of water" shall be held to mean and be that contained in ditches, pools, ponds (natural or artificial), excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other similar containers.

Sec 11-57 Presumption of Violation of Article Provisions

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are there, and failure to prevent such breeding within three (3) days after notice by the Code Enforcement Officer shall be deemed a violation of this article.

HISTORY Amended by Ord. Date Adopted on Date Adopted

Sec 11-58 Enforcement of Article Provisions

Should the person responsible for the condition giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same, within three (3) days after due notice has been given to him, the town is hereby authorized to do so, and all necessary costs incurred by it for this purpose shall be a charge against the property owner or other person offending, as the case may be.

Sec 11-59 Breeding Places Prohibited: Exception

It shall be unlawful to have, keep, maintain, cause, or permit within the town any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectually prevent such breeding.

Sec 11-60 Code Enforcement Officer's Right of Entry

For the purpose of enforcing the provisions of this article, the Code Enforcement Officer may at all reasonable times enter in and upon any premises within his jurisdiction.

HISTORY Amended by Ord. Date Adopted on Date Adopted

Sec 11-61 Methods of Treatment

The method of treatment of any collection of water directed toward the prevention of breeding of mosquitoes shall be approved by the Code Enforcement Officer, and may be one or more of the following:

- a) Screening with wire netting of at least sixteen (16) meshes to the inch each way or with any other material which will effectually prevent the ingress or egress of mosquitoes.
- b) Complete emptying every seven (7) days of unscreened containers, together with their thorough drying or cleaning.
- c) Using an approved larvicide applied under the direction of the zoning enforcement officer or building inspector.
- d) Covering completely the surface of the water with kerosene, petroleum, or paraffin oil once every seven (7) days.

- e) Cleaning and keeping sufficiently free of vegetable growth and other obstructions and stocking with mosquito-destroying fish.
- f) Proper disposal by the removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.
- g) Effective drainage of all impounded water in ditches, pools, ponds, excavations, holes, depressions, and marshes.

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