

Ordinance No. 19-795

ORDINANCE TO AMEND THE TOWN OF ELON CODE OF ORDINANCES CHAPTERS 13, 14, 22, 23, AND 24

BE IT ORDAINED by the Board of Aldermen of the Town of Elon, North Carolina:

Section 1. That Chapter 13, "Nuisances," Section 13.35 "Conditions Constituting Public Nuisance," of the Town of Elon Code of Ordinances be amended as follows:

- (a) The uncontrolled growth of noxious weeds or grass to a height in excess of eight (8) inches causing or threatening to cause a hazard detrimental to the public health or safety except for ornamental grasses chosen for features like color and form, such as switch grass pampas grass, fountain grass, and bamboo, and with the following provisions:
  1. Vacant lots – Vacant lots one (1) acre in size or greater or adjacent vacant lots with a combined acreage of one (1) acre or greater shall have a buffer maintained twenty (20) feet from any improved road surface and twenty (20) feet from the side and rear lot lines of any adjacent property occupied by a dwelling or other structure. The buffer shall be maintained such that dense growth and noxious vegetation has the main stem or trunk less than one (1) inch in thickness.
  2. Natural landscape areas and wooded lots shall be allowed under the following conditions:
    - i. 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;
    - ii. Natural landscape vegetation shall not overhang into the public right - of- way nor into adjoining properties; and
    - iii. Natural landscape areas shall use 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.
- (b) Any accumulation of 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, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (c) 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.
- (d) The open storage of any abandoned refrigerator, stove, glass, building material, building rubbish, or similar items.
- (e) Garbage placed on any streets, sidewalks, or public or private properties except in containers from which solid waste will be collected by the contracted solid waste collector,

or as otherwise provided in the article.

Remaining subsections to be re-lettered accordingly.

Section 2. That Chapter 13, "Nuisances," be amended as follows:

**Sec. 13.36 Enforcement of Article**

(e) The penalty for violation of this article , in addition to the provisions of Secs. 13.40 and 13.41, and unless otherwise provide for, shall be as follows:

1. 1<sup>st</sup> Offense: Fifty dollars (\$50);
2. 2<sup>nd</sup> Offense: One hundred dollars (\$100);
3. 3<sup>rd</sup> Offense: Two hundred fifty dollars (\$250).

**Sec. 13.38 Action to Abate**

(b) Abatement by Town. If the owner, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the public nuisance within ten (10) days from the date of the notice of violation and if there has been no appeal, the designated town official, the official's designee or an authorized contractor may enter upon the premises for the purpose of abating the nuisance and may summarily remove, abate, or remedy any condition in the town limits that is a prohibited nuisance under Section 13.35.

Section 3. That Chapter 14, "Offenses" be amended as follows:

**Remaining sections to be re-numbered accordingly.**

Section 4. That Chapter 22, "Solid Waste," Section 22.15 "Penalty," Subsection (a) of the Town of Elon Code of Ordinances be amended as follows:

(a) Civil penalty. Any person who violates any provision of this chapter shall be subject to payment of a civil penalty of fifty dollars (\$50.00). The violator shall pay the penalty to the town administration department within ten (10) days from the date of the notice. The failure of such violator to pay the civil penalty within the specified time shall subject the violator to a civil action to collect all penalties and costs for such violation. Any civil penalty that has not been paid when delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00).

Section 5. That Chapter 23, "Streets and Sidewalks," of the Town of Elon Code of Ordinances be amended as follows:

**CHAPTER 23: STREETS, SIDEWALKS, AND DRIVEWAYS**

**Sec. 23.52. Parking on Unpaved Surfaces Prohibited.**

No person shall keep, store or park any motor vehicle, trailer or similar, whether operable or inoperable, on any portion of a front yard or any side corner yard facing a street on any residentially zoned or used property except an area that is used as a driveway to the property. A driveway shall be considered any portion of the lot affording access to the street and paved with concrete, compacted stone, asphalt, brick or paving stones and not exceeding thirty (30) percent of the front or side corner yard. An unpaved surface is considered any surface other than a drive, such as, but not limited to, grass or dirt. Access to parking areas shall be limited to properly approved curb cuts or other approved access points. For the purposes of this section, a front yard or side corner yard shall be considered the area between the street and a line drawn parallel to the street from the point of the house that is closest to the street.

**Secs. 23.53 – 23.54 Reserved.**

**Sec. 23.82 Penalty**

The penalty for violating any of the provisions of this Chapter shall be, unless otherwise specified, as follows:

1. 1<sup>st</sup> Offense: Fifty dollars (\$50);
2. 2<sup>nd</sup> Offense: One hundred dollars (\$100);
3. 3<sup>rd</sup> Offense: Two hundred dollars (\$250)

Any duly authorized official of the Town is authorized to issue this civil citation and the violator shall pay the penalty to the town administrative staff within ten (10) days from the date of the citation. The failure of such violator to pay the civil penalty within the specified time shall subject such violator to a civil action to collect all penalties and costs for said violation, and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00). Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties. In addition to or in lieu of the foregoing remedies, violations of this Chapter may be enforced by any one (1) or more of the remedies authorized by the provisions of G.S. 160A-175.

**Sec. 23.83 Other remedies not precluded.**

The penalty prescribed by this chapter shall not prevent the town from proceeding in a criminal action against any person violating the provisions of this chapter. In such case, violators shall be guilty of a misdemeanor punishable by a fine of \$50 or imprisonment for not more than twenty (20) days. Violations of this chapter may also be subject to abatement summarily by appropriate injunction issued by a court of competent jurisdiction in accordance with the provisions of G.S. 160A-175. (2018 recodification)

**Sec. 23.84 – 23.89. Reserved.**

**Secs. 23.99 – 23.104 Reserved**

Section 6. That Chapter 24, "Traffic," of the Town of Elon Code of Ordinances be amended as follows:

**Sec. 24.30 Overtime parking; parking in restricted areas.**

- (a) If any vehicle shall remain parked in any parking space beyond the parking time limit therefor, such vehicle shall be considered as parking overtime and beyond the period of legal parking time. The parking of a vehicle overtime or beyond the period of legal parking time in any part of a street or parking lot where any such parking space is located, or parking in any area marked "loading zone" or "no parking," shall be a violation of this section. It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space when the vehicle has already been parked beyond the period of time prescribed for that parking space.
- (b) It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking zone or in any loading or no parking zone as described in this Code.
- (c) Each 24 hour period a vehicle remains illegally parked in the same on-street parking space is a separate offense, and the violator may be given a ticket for each offense.

**Sec. 24-48. - Immobilization or impoundment of vehicles having unpaid parking tickets.**

- (a) Authorized. The police chief or his designee may immobilize by the use of wheel locks, or tow and impound, any vehicle which is illegally parked, and for which there are one or more outstanding, unpaid and overdue parking tickets for a period of forty-five (45) days. However, any parking ticket which is the subject of an approved payment plan, no payment thereunder being delinquent, shall not be considered outstanding, unpaid and overdue for purposes of this section.
- (b) Towing. Any vehicle towed for a parking violation is to be held until the towing fee and penalties related to all outstanding parking tickets and parking penalties owed to the Town are paid in full, or a bond is posted in the amount of the towing fee and all outstanding parking tickets and parking penalties. Payment of the towing fee and all outstanding parking tickets and parking penalties shall not constitute a waiver of the person's right to contest the towing or the outstanding parking tickets and parking penalties.
- (c) Attachment of wheel lock. If a wheel lock is attached to a vehicle, a notice shall be affixed to the windshield or other part of the vehicle so as to be readily visible. The notice shall warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage thereto. The town shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move that vehicle. An immobilization fee of fifty dollars (\$50.00) shall be charged for the removal of the wheel lock. The notice shall also state the total amount of civil penalties due for parking tickets which are overdue and unpaid and attributable to such vehicle, and the fifty dollars (\$50.00) immobilization fee to be charged. The address and telephone number to be contacted to pay the charges to have the wheel lock removed shall also be listed.
- (d) Impoundment. See section 24.47
- (e) Redemption of impounded vehicles. See section 24.47
- (f) Disposition of towed vehicles. If a vehicle has been towed it may be disposed of in accordance with the provisions of this Code relating to the disposition of abandoned vehicles.

(g) Request for hearing. See section 24.47

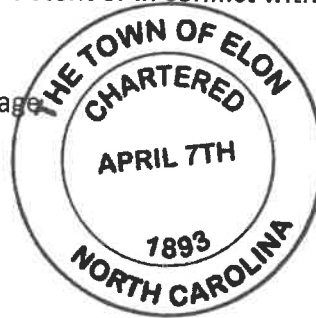
(h) Identification of vehicles. For the purpose of determining whether an illegally parked vehicle has had issued against it three or more outstanding, unpaid and overdue parking tickets for a period of 45 days, it shall be sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle having received the tickets are the same.

(i) Removal of wheel lock. It shall be unlawful for any person to remove from a vehicle a wheel lock placed thereon pursuant to this section or to remove from impoundment any vehicle placed therein pursuant to this section without all civil penalties and applicable charges having first been paid.

**Sec. 24.49 – 24.54. Reserved.**

Section 7. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 8. That this ordinance shall take effect upon passage



Jerry R. Tolley  
Jerry R. Tolley, Mayor

ATTEST:

Dianne C. Enoch  
Dianne C. Enoch, Town Clerk