

CHAPTER 91: COMMUNITY IMPROVEMENT

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GENERAL PROVISIONS**§ 91.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. A vehicle that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or,
- (2) Is left on property owned or operated by the town for a period longer than 24 hours; or,
- (3) Is left on any public street or highway for longer than seven days; or
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than two hours; or,
- (5) Is left on any public grounds for longer than seven days.

ADMINISTRATOR. The Public Works Director or any other person designated by the Manager to perform the functions and exercise the responsibilities assigned by this chapter to the Administrator.

BUSINESS TRASH. Any accumulation of dust, paper and cardboard, excelsior, rags, or accumulations other than garbage or household trash, which are usually attendant to the operation of stores, offices, and similar businesses.

COMMUNITY IMPROVEMENT OFFICER. The person or persons who are selected to enforce the provisions of this chapter. Community Improvement Officer(s) will issue all required notices and conduct hearings as outlined in this chapter.

HAZARDOUS VEHICLE. A vehicle on public or private property that is declared to be a health or safety hazard by the Community Improvement Officer when the vehicle is found to be:

- (1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats or other pests; or,
- (2) A point of heavy growth of weeds or other noxious vegetation over twelve inches in height; or,
- (3) A point of collection for pools or ponds of water; or,
- (4) A point of concentration of gasoline, oil or other flammable or explosive materials; or,
- (5) So located that there is a danger of the vehicle falling or turning over; or,
- (6) A place in which debris, bottles or other refuse is discarded and is present within the vehicle; or,
- (7) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials; or,
- (8) Creating any other similar condition or circumstance which exposes the general public to a safety or health hazard.

HOUSEHOLD TRASH. Any waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

INDUSTRIAL WASTE. All waste, including solids, semisolids, sludges and liquids, created by factories, processing plants, or other manufacturing enterprises.

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

JUNKED VEHICLE. A vehicle that:

- (1) Is partially dismantled or wrecked; or,
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or,
- (3) Is more than five years old or worth less than \$100; or,
- (4) Does not display a current license plate.

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LITTER. All discarded man-made materials, including but not limited to waste materials, building materials, business trash, garbage, household trash, industrial waste, refuse, and yard trash as such terms are defined in this section.

LOADING AND UNLOADING AREA. Any loading or unloading space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities, and persons.

MOTOR VEHICLE. All machines designed or intended to travel over land by selfpropulsion or while attached to any self-propelled vehicle.

MULTIPLE RESIDENTIAL UNIT. Any duplex, apartment, group of apartments, or condominiums used for dwelling places of more than one family.

NON TOWN-SERVED ESTABLISHMENT. Any retail, manufacturing, wholesale, institutional, religious, governmental, or other non-residential establishment which is not currently being served by the town's Sanitation Department.

PERSON. Any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant, lessee, tenant, or representative or group of individuals or entities of any kind and who owns a dwelling, building, or premises for seven or more consecutive days.

PREMISES. Lot, sidewalks, alleys, right-of-way, grass strips, and curbs up to the edge of the pavement of any public street.

PRIVATE PROPERTY. Property owned by any person as defined herein including but not limited to yards, grounds, driveways, entrances or passageways, parking areas, storage areas, vacant land, body of water and including sidewalks, grass strips, one-half of alleys, curbs, or right-of-ways up to the edge of the pavement of any public street or body of water.

REFUSE. Solid waste accumulations consisting of garbage, household trash, yard trash, and business trash as defined in this section.

RESPONSIBLE PERSON. The driver of a vehicle, his employer, the owner of the vehicle or the prime contractor for the construction site.

SCRAP MATERIALS. Scrap materials are:

(1) Pieces or fragments of metal, wood, glass, masonry, plastic, textile, rope, leather, rubber, paper, or any other substance, that formerly were part of the construction of some useful object or thing that consist of the excess resulting from the creation of some useful object or thing; or,

(2) Objects or things, including but not limited to machines, tools, equipment, hardware, furniture, appliances, et cetera, or parts of the same that are no longer in serviceable condition or are valuable only as raw material for reprocessing; or,

(3) Motor vehicles or remnants thereof that do not display a current license plate, and cannot without substantial repairs be made to operate in the manner originally intended, and are valuable only as raw materials for reprocessing, but that do not constitute solid wastes as herein defined because they are or may be useful to or wanted by or have not been discarded by the person in control of the premises where they have been located.

SINGLE RESIDENTIAL UNIT. Any dwelling place occupied by one family.

SMALL DEAD ANIMALS. Cats, dogs, small household pets, and other animals of similar size; not included are animals in excess of 100 pounds in weight.

SOLID WASTES. Wastes that are nongaseous and nonliquid (except that liquid wastes resulting from the processing of food are deemed solid wastes for the purposes of this chapter.)

TOWN. The town or the town's authorized agent.

TOWN-SERVED NONRESIDENTIAL ESTABLISHMENT. Any retailing, manufacturing, wholesale, institutional, religious, governmental, or other nonresidential establishment currently served by the town.

WASTES. All useless, unwanted, or discarded materials resulting from domestic, industrial, commercial, or community activities.

WEEDS AND GRASS. Weeds and grass in excess of eight inches in height. Heavily wooded lots where equipment cannot maneuver on the lot because of the density are exempt from this chapter.

YARD TRASH. Waste accumulation of lawn, grass or shrubbery cuttings or clippings, bushes, limbs and dry leaf rakings free of dirt, rocks, large branches, and bulky or noncombustible material.

§ 91.02 RECEIPTS.

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

SOLID WASTE REGULATIONS

§ 91.15 ACCUMULATION OF SOLID WASTES.

(A) Subject to the qualifications contained in division (B) below, no person may cause, suffer, or permit solid wastes to accumulate or remain on premises under his control except in accordance with the provisions of §§ 91.30 through 91.36 of this chapter ("Storage and Collection of Solid Wastes").

(B) Natural solid waste materials resulting from lawn or garden work, such as bush and tree trimmings, leaves, grass, stumps, dirt and stones may be allowed to accumulate or remain on premises under a person's control unless these materials become or threaten to become a fire hazard or a harboring place for rats, mice, snakes or other vermin or otherwise pose a danger to the public health or safety.

§ 91.16 DUMPING OR LITTERING ON PUBLIC OR PRIVATE PROPERTY.

(A) *Unauthorized accumulations.* It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the town or the town's extraterritorial jurisdiction any litter in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property or private property. Any unauthorized accumulation of litter is hereby declared to be a public nuisance and is prohibited. Failure of owner or occupant to remove or correct any such accumulation of litter after appropriate notice from the Community Improvement Officer shall be a violation of this chapter.

(B) *Premises generally.* It shall be unlawful for any person, as defined by this chapter, owning or occupying a single residential unit, multiple residential unit, town served nonresidential establishment, or non-town served establishment, to fail to store their refuse in containers as specified herein so as to eliminate wind-driven debris and unsightly litter in and about their premises or establishments in order to have a clean, neat and sanitary premises or fail to immediately clean up any spillage and overflow as it occurs. Approved methods of containerization include refuse receptacles, bulk containers, and detachable containers.

(C) *Accumulation of refuse on property; nuisance.* It shall be unlawful for any person to maintain premises, including vacant lots or land, upon which trash, garbage or miscellaneous refuse is permitted or caused to accumulate in any manner which is, or may become a nuisance, or cause injury to the health or welfare of residents in the vicinity or may injure neighboring property. It also shall be unlawful for any person to create a declared nuisance on his lot or a lot occupied by him, or to allow such a declared nuisance to remain on his lot or a lot occupied by him.

(D) *Construction and demolition sites.* It shall be unlawful for any construction and/or demolition contractor to fail to provide on-site refuse receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap building material, and other trash produced by those working on the site. All such material shall be containerized by the end of each day and the site shall be kept in a reasonably clean and litter-free condition. The number of refuse receptacles, bulk containers or detachable containers shall be determined by the size of the job. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept clean and orderly at all times.

§ 91.17 TRANSPORTATION OF SOLID WASTE WITHIN TOWN.

No person may transport or cause to be transported any solid wastes on the public streets of the town unless the solid wastes are so secured that no solid wastes escape from the transporting vehicle. In addition, any garbage so transported shall be carried in closed containers that prevent the escape of noxious odors or liquids.

§ 91.18 BURNING OR BURYING SOLID WASTES.

(A) No person may burn or cause to be burned any garbage for purposes of disposal. No person may burn or cause to be burned any refuse except as specifically authorized by Chapter 92 of this code.

(B) No person may bury or cause to be buried any solid waste for the purpose of disposal.

§ 91.19 SCRAP MATERIALS AND/OR JUNK.

(A) The Town Council hereby declares that the uncontrolled accumulation of scrap materials and/or junk on any premises constitutes a danger to the health, safety and welfare of the citizens of the town, in that such accumulations can furnish shelter and breeding places for vermin, present physical dangers to the safety and well-being of children and other citizens, pose a danger of fire and depreciate property values or cause a loss of business by detracting from the appearance and character of residential and commercial neighborhoods.

(B) No person may cause, suffer, or permit scrap materials and/or junk to accumulate or remain on premises under his control unless the scrap materials are:

(1) Surrounded by a fence of sufficient height, strength, and construction to deny persons, especially small children, access to them and to shield neighboring properties from the view of them; or

(2) Are so stored within a structure or within a container outside of a structure as to minimize substantially the danger set forth in division (A) above.

§ 91.20 NOXIOUS GROWTH.

(A) *Duties of owners, occupants; recutting and removal.* It shall be unlawful for the owner and occupant of property to fail to cut grass, weeds and other overgrowth vegetation on property when the grass, weeds, and other overgrowth vegetation is of a greater height than 12 inches on the average, 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 one of which situations is declared

to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds and other overgrowth vegetation as often as necessary so as to comply with this provision of this code. Vacant lots adjacent to improved property shall be kept cut within 100 feet of such improved property and shall be cut at least three times per year, as required during the growing season (April through September).

(B) *Allowing accumulation of leaves on streets, etc.; prohibited.* It shall be unlawful for any person to place or allow to be placed or to permit to continue the accumulation of leaves from their premises to be on a public street, sidewalk, grass strip between a paved sidewalk and street, or on an area that pedestrians would be expected to use to walk upon parallel to a public street, or a median strip within a public right-of-way. This section shall not apply to the accumulation of leaves along a curb line of a public right-of-way for the purpose of collection by the town or a private leaf collecting contractor.

STORAGE AND COLLECTION OF SOLID WASTES

§ 91.30 PROPERTY OWNERS TO PROVIDE RECEPTACLES.

The owner of every premises shall be responsible for providing adequate solid waste receptacles in accordance with this section to store the solid wastes generated by activities taking place on those premises between scheduled pickups.

§ 91.31 SIZE, NUMBER AND TYPE OF SOLID WASTE RECEPTACLES REQUIRED.

(A) Subject to the provisions of this section and after consultation with the owner of the premises concerned, the Administrator shall determine the size, number and type of solid waste receptacles that must be provided for all premises in accordance with § 91.30. In making this determination, the Administrator shall consider the type of activities on each premises and the amount of solid waste likely to be generated by those activities, as well as the welfare of the occupants and neighbors of those premises and the town's need to facilitate collection and minimize the costs of this service.

(B) Unless otherwise determined by the Administrator for good cause shown, when five or more dwelling units are located on a single lot, the owner of the premises shall provide one or more dumpsters so that the following criteria relating to capacity are satisfied:

(1) Two cubic yards of storage capacity are provided for every eight dwelling units or fraction thereof, provided that the minimum size dumpster shall be four cubic yards.

(2) If more than one dumpster is required, the owner shall provide the smallest number of dumpsters capable of satisfying the requirements stated in division (1) of this section.

(C) Unless otherwise determined by the Administrator for good cause shown, when any nonresidential premises requires more than four of the containers described in division (E) of this section to satisfy the requirement stated in § 91.30, one or more dumpsters of an appropriate size will be required.

(D) When dumpsters are required by the Administrator, only dumpsters compatible with town collection equipment will be approved.

(E) Unless otherwise determined by the Administrator for good cause shown, the owners of all premises not required to be served by dumpsters shall provide at least one 30-32 gallon container made of galvanized metal, plastic, rubber, or other material resistant to rust, corrosion, or rapid deterioration. Each required container shall be water-tight and provided with handles and a tight fitting cover.

§ 91.32 PREMISES SERVED BY DUMPSTERS.

With respect to premises served by dumpsters:

(A) The location of dumpsters shall be determined by the Administrator after consultation with the owner of the premises concerned. In making this determination, the Administrator shall consider the needs of the occupants of the premises, the welfare of the occupants and neighbors, and the town's need to facilitate collection and minimize the cost of service.

(B) Solid waste shall be collected from the dumpsters where the dumpsters are located by the Administrator.

(C) The Administrator may require that screening be provided around dumpsters if he determines that such screening is necessary to prevent solid wastes from being transported onto neighboring properties or if the location of the dumpsters is such that in the absence of screening, the dumpsters would present an offensive appearance or cause offensive odors to be transmitted to neighboring properties.

(D) All solid wastes shall be stored in dumpsters pending collection. Solid wastes not placed in dumpsters will not be collected, except in accordance with § 91.34.

(E) All dumpsters shall be cleaned periodically to minimize offensive odors, and the tops or openings to all dumpsters shall be kept securely fastened at all times pending collection.

§ 91.33 PREMISES NOT SERVED BY DUMPSTERS.

With respect to premises not served by dumpsters:

(A) Garbage may be stored pending collection only in the receptacles described in § 91.31 (E). Refuse may be stored (between scheduled collections only) in any appropriate and convenient fashion.

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(B) Except as otherwise provided in this section, solid wastes may not be stored between scheduled pickups within 45 feet of the center line of any public street unless such solid wastes are stored within a completely enclosed substantial structure such as a house, garage, or shed.

(C) Solid wastes shall be placed adjacent to the street for collection on the scheduled collection day or after dark on the preceding day. After collection, all solid waste receptacles and all uncollected solid wastes shall be removed to a storage location that complies with division (B) above by 9:00 a.m. on the day following the collection day.

(D) If the Administrator determines that because of the physical infirmity of the occupant of any premises, the occupant cannot without severe hardship transport the solid wastes from the storage location required by division (B) to the collection point required by division (C), he may do one of the following:

(1) Authorize the occupant to store solid wastes at or near the pickup location between scheduled pickups; or,

(2) Provide solid waste receptacles mounted on wheels or otherwise constructed so that the occupant can transport the solid waste from the point of storage to the point of pickup; or,

(3) Provide rear-yard pickup.

(E) Containers other than those described in § 91.31 (E) will be treated as solid wastes and collected as such.

(F) Grass cuttings, hedge clippings, tree trimmings, and similar materials less than four inches in diameter and 60 inches in length will be collected as part of the regular collection service if placed in containers or properly bundled to facilitate collection.

(G) Containers weighing more than 75 pounds and heavy or bulky items such as tree trunks, tree trimmings, or hedge cuttings more than 60 inches in length or four inches in diameter, furniture, and similar items will be collected only in accordance with § 91.34.

§ 91.34 SPECIAL COLLECTIONS.

Solid wastes that are too bulky or too heavy or too cumbersome to be collected by the town as part of its regular collection service may be collected by the town pursuant to a request made to the Administrator. The town reserves the right to refuse any request made pursuant to this section and the failure of the town to provide this service shall not relieve any person of any of the obligations imposed by this chapter.

§ 91.35 AUTHORITY OF ADMINISTRATOR.

(A) The Administrator shall establish collection routes and schedules and may alter these routes and schedules from time to time. A copy of the current routes and schedules shall be kept on file in the office of the Town Clerk. Notice of any changes in the routes or schedules shall be published in the local newspaper at least ten days before the changes are to become effective.

(B) Whenever this chapter authorizes the Administrator to make a discretionary determination, all persons affected by that determination shall comply with it within 15 calendar days after receiving written notice of the determination and the reasons for it. Thereafter, a failure on the part of any person receiving such notice to comply with the determination shall constitute a violation of this chapter.

§ 91.36 INTERFERENCE WITH RECEPTACLES OR STORED SOLID WASTES.

No person may damage, displace, or otherwise interfere with solid waste receptacles or solid wastes stored or prepared for collection with the consent of the owner, lessee, or occupant of the premises where those receptacles or solid wastes are contained.

§ 91.37 PAYMENT FOR SERVICE.

(A) Subject to divisions (1) and (2) below, there shall be no charge for residential garbage collection.

(1) When five or more dwelling units are located on a single lot, the customer may be charged for garbage collection.

(2) Whenever the Administrator has required the use of a dumpster, the customer may be charged for garbage collection.

(B) All commercial customers may be charged for garbage collection.

ABANDONED, JUNKED, AND HAZARDOUS VEHICLES

§ 91.50 ADMINISTRATION.

The Community Improvement Officer will enforce all provisions of this chapter within the town.

§ 91.51 ABANDONED, HAZARDOUS OR JUNKED VEHICLE PROHIBITED.

It shall be unlawful for the owner of a motor vehicle or for the owner, lessee or occupant of the real property upon which the vehicle is located, to leave or allow to remain on the property any vehicle which is an abandoned, a hazardous or a junked vehicle.

§ 91.54 REMOVAL OF VEHICLES.

The town may remove any vehicle that is in violation of this chapter to a storage yard.

§ 91.55 TOWED VEHICLES - NOTICE AND PROBABLE CAUSE HEARING BEFORE MAGISTRATE - OPTION TO POST BOND.

(A) Whenever a vehicle with a valid registration plate or registration is towed, the authorizing person shall immediately notify the last known registered owner of the vehicle of the following:

- (1) A description of the vehicle;
- (2) The place where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to have the vehicle returned to him; and
- (5) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in this State, notice shall be given to the owner within 72 hours. This notice shall, if feasible, be given by telephone. Whether or not the owner is reached by telephone, notice shall be mailed to his last known address unless he or his agent waives this notice in writing.

(B) Whenever a vehicle with neither a valid registration plate nor registration is towed, the authorizing person shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information listed in subsection (A). Unless the owner has otherwise been given notice, it is presumed that the authorizing person has not made reasonable efforts, as required under this subsection, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place at least seven days before the towing actually occurred; except, no pre-towing notice need be given if the vehicle impeded the flow of traffic or otherwise jeopardized the public welfare so that immediate towing was necessary.

(C) The owner or any other person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the County Magistrate. The Magistrate shall set the hearing within 72 hours of the receipt of the request. The owner, the person who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing.

(D) The owner, the tower, the person who authorized the towing, and any other interested parties may present evidence at the hearing. The person authorizing the towing and the tower may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying.

(E) The only issue at this hearing is whether or not probable cause existed for the towing. If the Magistrate finds that probable cause did exist, the tower's lien continues. If the Magistrate finds that probable cause did not exist, the tower's lien is extinguished.

(F) Any aggrieved party may appeal the Magistrate's decision to District Court.

(G) At any stage in the proceeding, including before the probable cause hearing, the owner of the vehicle may obtain possession of his vehicle by:

- (1) paying all assessed penalties and the towing fee;
- (2) posting a bond for double the amount of all assessed penalties and the towing fee.

§ 91.56 DISPOSITION OF ABANDONED, JUNKED AND HAZARDOUS VEHICLES.

(A) The town shall have the authority to authorize the disposition of abandoned vehicles, junked vehicles, and hazardous vehicles by a sales procedure similar to that provided in G.S. § 44A-4, § 44A-5 and § 44A-6. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the town may authorize the destruction of the vehicle.

(B) The Community Improvement Officer shall have the authority to authorize the disposition of a motor vehicle immediately if the owner of the vehicle signs a consent form authorizing the Community Improvement Division to sell or to dispose of the vehicle immediately without complying with any statutory requirements pertaining to the disposition of such vehicles.

§ 91.57 RIGHT TO HEARING BEFORE TOWN PRIOR TO SALE OR FINAL DISPOSITION OF VEHICLE.

(A) Before the sale or disposition of an unclaimed abandoned, junked or hazardous vehicle, the Community Improvement Officer shall notify by certified letter the last registered owner of the vehicle of his right to a hearing.

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(B) If the registered owner desires a hearing, he/she must deliver to the Community Improvement Officer a written request for a hearing within ten (10) days after receipt of the notice.

(C) The owner, the person who requested the hearing, if someone other than the owner, the tower, and the person who authorized the towing, shall be notified of the time and place of the hearing.

(D) The owner, the tower, the person who authorized the towing, and the other interested parties may present evidence at the hearing. The person authorizing the towing and the tower may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying.

(E) The designated Community Improvement Officer shall serve as the hearing officer, shall conduct the hearing in accordance with the procedures stated in this section, and shall issue a written decision within five days of the hearing. If the hearing officer determines that the vehicle was not in violation of this chapter, then it will be immediately returned to the registered owner and said owner shall not be charged with the cost of removal expenses. A copy of the hearing officer's decision shall be mailed to the registered owner and the original report shall be filed in the proper town department. The decision of the hearing officer is final.

§ 91.58 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer to any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen vehicle, for disposing of such vehicle as provided in this chapter.

§ 91.59 EXCEPTIONS.

This chapter shall not apply:

(A) To any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or

(B) To any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town, or

(C) To an authorized motor vehicle dealer or to an authorized junk dealer in the operation of a business. Such an authorized dealer must have paid a current valid license privilege tax and be in a properly zoned district allowing such a business.

ADMINISTRATION AND ENFORCEMENT

§ 91.70 INVESTIGATIVE RESPONSIBILITY OF COMMUNITY IMPROVEMENT OFFICER.

(A) The Community Improvement Officer shall have the responsibility for enforcing the provisions of this chapter.

§ 91.71 NOTICE OF VIOLATION AND HEARING.

If it appears that such conditions exist, the Community Improvement Officer shall cause to be delivered or mailed to the owners of the property upon which the conditions exist, a notice of violation stating the reasons why the conditions constitute a violation and a specific date for compliance. The notice will advise that, upon request, an administrative hearing will be held before the Community Improvement Officer, no more than ten days after delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place and time assigned for the hearing. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. Failure to request an administrative hearing within the time provided constitutes a waiver of rights.

§ 91.72 ORDER OF ABATEMENT.

If a determination is made that such conditions constituting a violation exists, the Community Improvement Officer shall notify, in writing, the owner of the premises in question of the conditions constituting such violation and shall order the prompt abatement thereof.

§ 91.73 APPEAL.

Any decision of the Community Improvement Officer may be appealed to the Town Manager. Such appeal must be submitted in writing to the Manager's office within ten days after the receipt of the decision of the Community Improvement Officer. The decision of the Manager is final.

§ 91.74 COSTS OF REMOVAL CHARGED TO OWNER.

In the event the town takes the action necessary to remove or eliminate the violation, all costs incurred by the town shall be charged to the owner of the parcel of land. The Tax Collector shall mail a statement of such charges to the property owner with instructions that such charges are due and payable within 30 days from the receipt thereof.

§ 91.75 LIENS.

In the event charges for the removal or abatement of a violation are not paid within 30 days after the receipt of a statement of charges as provided for in § 91.75, such charges shall become a lien upon the parcel of land where the violation existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

§ 91.76 INTERFERENCE WITH PERSONNEL.

It shall be unlawful for any person to interfere, harass, or otherwise impede a Community Improvement Officer carrying out his/her duties when the Community Improvement Officer has authority to conduct an investigation under the authority of a lawfully issued administrative search warrant and when carrying out the enforcement provisions of this chapter after a notice of violation has been issued and the time for compliance has expired.

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