

**Nuisance Code of the Town of Kernersville**  
**Chapter 10 of the Town of Kernersville Code of Ordinances**



**ARTICLE I. - IN GENERAL**

**Sec. 10-1. - Certain enumerated nuisances.**

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

- (1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.
- (2) Any growth or overgrowth of grass, weeds or other vegetation that is greater than one (1) foot on the average, or any accumulation of dead weeds, grass, brush or undergrowth. This section shall not apply to lots that are natural area lots unless the lot is found to violate section 10-1(a)(1) or 10-1(a)(3-6). If a natural area lot is adjacent to a property occupied by a dwelling or other structure, and that dwelling or other structure is located within fifty (50) feet of the natural area lot, then the natural area lot shall comply with the requirements of this subsection to a depth of ten (10) feet from said adjacent property line, however, this requirement shall not apply to property that consists of a ravine, creek bank or other severe slope where maintenance would be unsafe and the chance of erosion would increase if the vegetation were decreased.
- (3) Any accumulation of junk as defined herein.
- (4) Any accumulation of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;
- (5) Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement; or
- (6) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
- (7) Any and all grass or weeds growing in any sidewalk and any hedges bordering thereon not properly trimmed.
- (8) Any and all trees or bushes either dead, diseased or not properly trimmed.

(9) Any and all trees or bushes, or any object or growth within the sight distance, on private property adjacent to Town street rights-of-way that constitute a hazard to Town property or to the health or safety of motorists or pedestrians.

(10) Any accumulation of firewood not cut, prepared for use, and stacked.

(b) No owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any lot or land in the Town, regardless of whether the lot is occupied or not, shall permit or maintain on such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for ten (10) feet outside the property line if there is no curb, any of the conditions described in this section. It shall be the joint and several duty of any owner, lessee and occupant of any lot or land to cut and/or remove or cause to be cut and/or removed all causes of such conditions as often as may be necessary to comply with the provisions of this chapter.

(c) Chronic violator. A chronic violator is a person who owns property whereupon, in the previous calendar year, the Town gave a notice of violation at least three times under Section 10-1(a)(2). The Town may notify a chronic violator of Section 10-1(a)(2) that, if the violator's property is found to again be in violation of Section 10-1(a)(2), the Town shall, 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 in accordance with G.S. § 160A-193. The initial annual notice shall be served by registered or certified mail. When service is made by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after the mailing. Pursuant to G.S. § 160A-193(b), the expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city 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. G.S. § 160A-193(b) shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

(Ord. No. O-2010-29, § 3, 9-7-2010)

**Sec. 10-2. - Notice to abate emergency abatement by Town.**

If any person shall violate the provisions of this chapter the Town Manager or his designee shall give notice to the owner or to any person in possession of the subject property, directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice; provided, that if, in the opinion of the Town Manager or his designee, the unlawful condition is such that it is of imminent danger or peril to the Public Services Department may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property.

(Ord. No. O-2010-29, § 3, 9-7-2010)

**Sec. 10-3. - Failure to abate.**

(a) Upon the failure of the owner or person in possession of any premises to abate any unlawful condition existing thereupon within the time prescribed, the Public Services Director or his designee shall cause the removal and abatement of such unlawful condition therefrom.

(b) Upon the completion of such removal and abatement, the Town Manager or his designee shall deliver to the Finance Director a statement showing the actual cost of the abatement of the unlawful condition plus any additional charges, in accordance with the Schedule of Fees and Charges established annually by the Board of Aldermen. The Finance Director shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained. The amount of the bill shall become a lien upon the property and, if not paid within thirty (30) days, shall be collected in the manner provided for the collection of delinquent taxes.  
(Ord. No. O-2010-29, § 3, 9-7-2010; Ord. No. O-2014-33, § 2, 12-2-2014)

**Sec. 10-4. - Service of notice.**

(a) The owner of any property containing a nuisance shall be notified of any violation of this chapter by personal delivery of such notice or by first class mail, return receipt requested. If such owner refuses to accept notice of the violation, then such property shall be posted with the notice. If the name of the owner cannot be ascertained, then the notice shall be served on any person in possession of the property, or, if there is no person in possession of it, by posting the notice on the subject property. If any such property is owned by a corporation, the notice shall be served upon the registered agent or, in the absence thereof, notice shall be served by posting on the property.

(b) Any such notice may be served by any authorized representative of the Town Manager or by any Police Officer of the Town.

**Sec. 10-5. - Defective notice.**

Any defect in the method of giving the notice required by section 10-4, or in the form thereof, or the giving of such notice to an improper person, shall not prevent the Town, in any case where the work of abating an unlawful condition upon any property is borne by the Town, from collecting the cost thereof from the owner, nor shall it affect the validity of the lien on the property for such cost.

**ARTICLE II. - REGULATION, REMOVAL AND DISPOSITION OF ABANDONED AND JUNKED VEHICLES**

**Sec. 10-26. - Purpose and objectives.**

The purposes and objectives for which this article is adopted include the following:

- (1) To protect the citizens and residents of the Town from inherently dangers abandoned, ~~nuisance~~, and junked motor vehicles, junk, and outdoor storage areas and to promote the health, safety, and welfare of the citizens and residents of the Town.
- (2) To promote or enhance the quality of urban attractiveness and aesthetic appearance of the Town.
- (3) To preserve and protect the property values of land throughout the Town.
- (4) To preserve and protect the attractiveness to the Town's thoroughfares and commercial roads which present the primary, public visibility to visitors and passers-by of the Town.
- (5) To protect the economic interests of the citizens and residents of the Town.
- (6) To protect the citizens and residents of the Town from the proliferation of rodents and mosquitoes and the spread of diseases by vectors.

**Sec. 10-27. - Definitions.**

For the purposes of this article, certain terms and words are hereinafter defined. Words used in the present tense shall include the future tense. Words used in the singular number shall include the plural number and the plural the singular. The word "shall" is mandatory and not directory.

*Abandoned vehicle means:*

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;  
or
- (2) Is left on a public street or highway for longer than seven (7) days; or
- (3) Is left on property owned or operated by the Town for longer than twenty-four (24) hours;
- (4) Is left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

*Authorizing official:* The supervisory employee of the Police Department or the Community Development Department, respectively, designated to authorize the removal of vehicles under the provisions of this article.

*Automobile graveyard:* A site where more than two (2) wrecked, scrapped, ruined, dismantled, or inoperable motor vehicles, trailers, or two (2) pieces of motorized equipment not being restored to operation are located on a land parcel as an accessory use in conjunction with any establishment; or a site where there are more than three (3) wrecked, scrapped, ruined, dismantled, or inoperable motor vehicles, trailers, or motorized equipment used in conjunction with such establishment, but located on another land parcel as a primary use of that parcel.

*Church:* A building used for public worship and/or religious services.

*Garage:* An establishment which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles, agricultural machinery, trailers, or pieces of construction equipment.

*Housing unit:* A house, an apartment, a group of homes, or a single room occupied or intended for occupancy as separate living quarters for one (1) or more humans.

*Junk:* Secondhand, worn, or discarded articles, including but not limited to: mattresses, pallets, wood, building materials, household appliances, rope, rags, batteries, appliances, paper, trash, boxes, old clothes, rubber, dismantled or wrecked automobiles or trailers, automobile tires and tubes, dismantled or wrecked motorized equipment, or parts thereof, iron, steel, scrapped copper, brass, other metals, and other similar scrap material.

*Junked motor vehicle:* A vehicle that does not display a current license plate lawfully upon that vehicle and that either: (1) is partially dismantled or wrecked; or (2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or (3) is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).

*Motor vehicle or vehicle:* All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

*Motor vehicles sales, service or rental:* A business which is maintained and operated for the primary purpose of selling, servicing, or renting motor vehicles, agricultural machinery, trailers, or construction equipment.

*Natural area lots:* Lots that have never been cleared in anticipation of development, lots that have been cleared at some point in the past but on which new plant growth has occurred and returned or is returning the lot to a natural state, or lots that have been landscaped or replant to appear as natural, undeveloped areas.

*Nuisance:* The existence of any of the following conditions is declared to be dangerous and prejudicial to the public health or safety and constitutes a public nuisance:

- (1) The uncontrolled growth of noxious weeds or grass to a height in excess of twelve (12) inches, causing or threatening to cause a hazard detrimental to the public health or safety.
- (2) 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 other vermin or any kind which are or may be dangerous or prejudicial to the public health or safety.
- (3) Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or the accumulation of stagnant water, or the inhabitation thereof rats, mice, snakes or vermin of any kind which are or may be dangerous or prejudicial to the public health or safety, or which for any other reason might be dangerous or prejudicial to the public health or safety.
- (4) So offensive to the sight as to damage the community, neighborhood or area appearance.

*Public road:* Any street, road, or highway, including rights-of-way thereof, which is now or hereafter designated and maintained as a public road by the Town, the state Department of Transportation, or the United States Department of Transportation.

*Repair shop:* An establishment which is maintained and operated for the purpose of repairing, storing, keeping, buying, renting, or selling appliances or equipment other than motor vehicles and which stores or keeps any of the said appliances or vehicles on the land parcel outside a building as an accessory use.

*Residential area:* Any area within the Town or the planning jurisdiction, with a zoning classification of AG, RS-40, RS-30, RS-20, RS-15, RS-12, RS-9, RS-7, RSQ, RM-5, RM-8, RM-12, RM-18, RMU, MH and MU-S Districts; or fifteen (15) or more housing units within a geographical area comprised of a one-fourth ( 1/4) mile wide strip, which is contiguous and/or parallel to the external boundaries of the tract of real property on which an automobile graveyard, junkyard, or outdoor storage area is located.

*School:* Any public or private institution for the teaching of children under eighteen (18) years of age which is recognized and approved by the state board of education.

*Service station:* Any establishment which is maintained and operated for the primary purpose of making sales of fuels, lubricants, air, water and other automotive items, for the operation and routine maintenance of motor vehicles, and for making mechanical repairs, servicing and/or washing of motor vehicles. Motor vehicles, agricultural machinery, trailers, or places of construction equipment that are not capable of being driven under their own power and are not being restored to operable condition may be temporarily stored outside on the premises as an accessory use.

*Sight distance:* The area required to provide an unobstructed view across property primarily located at street intersections, driveways, and along sharp horizontal curves in the roadway.

*Yard:* The area extending across the full width of the property and/or lot and lying between the lot line and the setback line as required by the zoning ordinance of the Town, or the yard as established by structures adjacent to the subject lot, whichever is the most restrictive. All yards bordering public streets shall be considered front yards for the purposes of this article.

#### **Sec. 10-28. - Administration, application procedures and general requirements.**

The Police Department and/or the Community Development Department of the Town shall be responsible for the administration and enforcement of this article. The Police Department shall be responsible for administering the removal and disposition of vehicles determined to be an "abandoned, nuisance, or junked motor vehicle" located upon the public streets and highways within the Town, and located upon property owned by the Town. The Zoning Administrator shall be responsible for the regulation, removal and disposition of abandoned or junked motor vehicles located on private property. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned, nuisance, and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this article shall be construed to limit the authority of the Town in the enforcement of any other ordinance or state statute pertaining hereto.

**Sec. 10-29. - Prohibitions.**

Except as hereinafter provided, it shall be unlawful after the effective date of this article within the corporate limits of the Town for any person, firm or corporation or other legal entity, to begin operation of a junkyard, automobile graveyard, or outdoor storage area containing abandoned, nuisance or junked motor vehicles within three hundred (300) feet of the centerline of any public road, within one-half (1/2) mile of any school or church, within any residential area or within three hundred (300) feet of a housing unit. Notwithstanding any contrary language contained herein, the existence of a junkyard, automobile graveyard, or outdoor storage area of a service state, garage, other business, or repair shop so located upon the effective date of this article, and classified as a nonconforming use by the Town zoning ordinance shall be a nonconforming use pursuant to the provisions of this article. In the event the use of such a junkyard, automobile graveyard, or outdoor storage area of a service station, garage, other business, or repair shop is discontinued for a continuous period of six (6) months, the use of the junkyard, automobile graveyard, or outdoor storage area of a service station, garage, other business, or repair shop shall not be resumed and any resumption thereof after the said six-month period shall be a violation of this article.

**Sec. 10-30. - Abandoned vehicle unlawful; removal authorized.**

It shall be unlawful for the registered owner or person entitled to possession of a vehicle to case or allow such vehicle to be abandoned as the term is defined herein. Upon investigation, the property authorizing officials of the Town may determine that a vehicle is an abandoned vehicle and order the vehicle removed. (Ord. No. O-2010-29, § 3, 9-7-2010)

**Sec. 10-32. - Junked motor vehicle regulated; removal authorized.**

(a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a junked motor vehicle and ordered removed by the Town.

(b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property except as defined in (c)(2). The single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

(c) Permitted concealment or enclosure of junked motor vehicles:

(1) One junked motor vehicle, in its entirety, can be located in the driveway or carport on the premises of residential property if the junked motor vehicle is entirely concealed from public view by an acceptable car covering. An acceptable car covering is one that is designed and manufactured for the specific vehicle, is the correct size and shape, opaque, and remains in good repair without deterioration.

(2) Up to two (2) junked motor vehicles may be stored in the rear yard of a residential property if completely enclosed from all surrounding properties or abutting streets by freestanding opaque

fencing, minimally six (6) feet in height or the height of the vehicle, whichever is greater. No residential lot or property as defined by the town's zoning ordinance may exceed two (2) junked motor vehicles not enclosed in a garage or building structure.

(3) Any additional junked motor vehicle(s) must be kept in a garage or building structure that provides complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property.

**Sec. 10-33. - Removal of abandoned or junked motor vehicles; pre-towing notice requirement.**

Except as set forth in section 10-35 of this article, an abandoned or junked motor vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of vehicle. In the case of a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the Town on a specified date (no sooner than seven (7) days after the notice is affixed) unless the vehicle is moved by the owner or legal possessor prior to that time.

If the registered owner or person entitled to possession of abandoned vehicles on private property, and junked motor vehicles to which notice is required to be given, does not remove the vehicle, but chooses to appeal the determination that the vehicle is abandoned or a junked motor vehicle, such appeal shall be made to the Board of Aldermen in writing, heard at the next regularly scheduled meeting of the Board of Aldermen, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

**Sec. 10-34. - Exception to prior notice requirement.**

The requirement that notice be given prior to the removal of an abandoned or junked motor vehicle may be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare, as determined by the authorizing official. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records of the Town. Circumstances justifying the removal of any vehicle without prior notice include, but are not limited to:

(1) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the Board of Aldermen hereby determine that immediately removal of such vehicles by be warranted when they are:

- a. Obstructing traffic;
- b. Parked in violation of an ordinance prohibiting or restricting parking;
- c. Parked in a no-stopping or standing zone;



- d. Parked in loading zones;
- e. Parked in bus zones; or
- f. Parked in violation of temporary parking restriction imposed under Code sections.

(2) Other abandoned vehicles. With respect to abandoned vehicles left on Town-owned property other than the streets or highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration, but not limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

**Sec. 10-35. - Removal of abandoned or junked motor vehicle; post-towing notice requirements.**

Any vehicle which has been determined by the property authorizing official to be an abandoned or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the property authorizing Town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must following to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (1) through (5) above, shall, unless this notice is waived in writing by the vehicle owner or his agent, also be mailed to the registered owner's last known address.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the state, notice shall be given to the registered owned within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing Town official shall make reasonable efforts, including verification of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

(Ord. No. O-2010-29, § 3, 9-7-2010)

**Sec. 10-36. - Right to probable cause hearing before sale or final disposition of the vehicle.**

After the removal of an abandoned or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county Magistrate designated by the Chief District Court Judge to receive such hearing requests. The magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. § 20-219.11. Any aggrieved party may appeal the Magistrate's decision to the district court.

**Sec. 10-37. - Redemption of the vehicle during proceedings.**

At any stage of the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or persons entitled to the possession of the vehicle shall not allow nor engage in, further violations of this article. (Ord. No. O-2010-29, § 3, 9-7-2010)

**Sec. 10-38. - Sale and disposition of unclaimed vehicles.**

Any abandoned junked motor vehicle which is not claimed by the owner or other party entitled to possession, will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the Town and in accordance with G.S. Ch. 44A, Art. I.

**Sec. 10-40. - Protection against criminal or civil liability.**

No person shall be held liable or to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned junked motor vehicle, for disposing of such vehicle as provided in this article.

**Sec. 10-41. - Unlawful removal of an impounded vehicle.**

It shall be unlawful for any person to remove or attempt to remove, from any storage facility designated by the Town, any vehicle which has been impounded pursuant to the provisions of this Code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

**Sec. 10-48. - Inspection.**

Authorized officials have a right, upon presentation of proper credentials, to enter on any premises within their jurisdiction at any reasonable hour to determine if any areas are in violation of this article. (Ord. No. O-2010-29, § 3, 9-7-2010)

**Sec. 10-49. - Remedies and penalties for violation**

In addition to all other remedies provided for herein, any violation of this article subjects the offender to a civil penalty in the amount of one hundred dollars (\$100.00) per day that any person, firm, corporation, or other entity remains in violation of this article. The civil penalty shall be in the nature of a debt and may be recovered by the Town in a civil action if the offender does not pay the penalty within sixty (60) days after he has been cited by written notice from the Town for violation of this article.

Pursuant to G.S. §§ 160A-175(b) and 14-4, violation of any provision of this article shall not constitute a misdemeanor or infraction.