

PUBLIC WORKS

WATER AND SEWER SYSTEMS

CONNECTIONS AND EXTENSIONS

§ 50.01 WATER AND WASTEWATER SYSTEM CONNECTIONS.

All extensions of and connections to the Town of Aberdeen water and wastewater systems shall be in accordance with the Town of Aberdeen Water and Wastewater Extension and Connection Policy, adopted on August 11, 2008, and as amended from time to time by the Board of Commissioners. (Adopted 8/11/08)

('75 Code, § 24-1) (Am. Ord., passed 7-12-93; Am. Ord., passed 3-14-94; Am. Ord, passed 2-13-95) Penalty, see § 50.99

§ 50.02 THROUGH 50.09 REPEALED ON 8/11/08.

WATER METERS

§ 50.15 WATER METERS REQUIRED.

(A) Every separate user who receives his water supply from the town shall have a water meter installed upon the line furnishing such water.

(B) Irrigation Meters.

Irrigation Meter Requirement

All new in-ground irrigation systems installed after application of this section that will be supplied water from the Town of Aberdeen water system shall be independently connected to the system and water consumption shall be measured through a separate irrigation meter.

Methods of Connection

An irrigation service line may be installed by a direct tap into the main (separate tap) or by a split line off the non-irrigation service line at a point between the main and the non-irrigation meter (split tap). Either method of connection shall be performed by the Town of Aberdeen Public Utilities Department or a licensed contractor. A licensed contractor must obtain a permit from the Town of Aberdeen prior to installing an irrigation service line.

Technical and Other Requirements

An irrigation service line, the irrigation meter and all related appurtenances shall be installed in accordance with the same regulations, policies and procedures that apply to non-irrigation meters.
(Amended 9-3-09)

(C) Backflow Prevention Program

Objectives of Ordinance

The objective of the backflow prevention ordinance for the Town of Aberdeen is:

To protect the potable water supply of the Town of Aberdeen. This will be accomplished by requiring the use of appropriate backflow protection methods. The possibility of contamination will be minimized by confining within the customer's private water system those contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross-connections into the public water system.

(D) Definitions

AIR GAP SEPARATION: The unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An "approved air-gap

separation” shall be at least double the diameter of the supply pipe. In no case shall the air gap separation be less than one (1) inch.

APPROVED: In reference to backflow prevention assemblies or methods, those assemblies or methods which have been accepted by the Director as an effective means or method to prevent backflow.

BACKFLOW: Any flow of water, liquid, gas or other substances, or any combination thereof into the distribution piping of a potable water supply from any source or sources.

BACKFLOW PREVENTION ASSEMBLY: An approved assembly or method used to prevent backflow from occurring in the potable water supply.

BACK-PRESSURE BACKFLOW: Backflow caused by a pump, elevated tank, boiler, or other means that could create pressure with the system greater than the supply pressure.

BACK-SIPHONAGE BACKFLOW: A reversal of the normal direction flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject atmospheric pressure.

CERTIFIED TESTER: A person who has proven his/her competency to test, repair, overhaul and prepare reports on backflow prevention assemblies as evidenced by certification of successful completion of a training program approved by the Director.

CONSUMER/CUSTOMER: Any person, firm, or corporation using or receiving water from the Town of Aberdeen water system.

CONTAINMENT: Prevention of possible contamination from a private water system by installing an approved backflow prevention assembly.

CONTAMINATION: The degradation of the quality of water so as to constitute a hazard or impair the usefulness of water.

CROSS-CONNECTION: Any physical connection between the city’s water supply system and any other source. This includes piping systems, sewer fixtures, containers, or devices whereby water or other liquids, mixtures, or substances may flow into or enter the city’s water supply system.

CROSS-CONNECTION INSPECTOR: An employee of the Town of Aberdeen designated by the Director to administer and enforce the provisions of this ordinance.

DEGREE OF HAZARD: Derived from an evaluation of the health, system, plumbing or pollution hazards.

DIRECTOR: The Director of the Town Water and Sewer Department.

DOUBLE CHECK VALVE ASSEMBLY: An assembly composed of two (2) single, independently-acting approved check valves, including tightly closing shut-off valves located at each end of the assembly, and suitable connections for testing the water-tightness of each check valve.

DOUBLE CHECK-DETECTOR CHECK VALVE ASSEMBLY: An assembly composed of an approved double check valve assembly with a bypass water meter and a meter-sized approved double check valve device. The meter shall register accurately for very low flow rates and shall register all flow rates.

HIGH HAZARD: An actual or potential threat of contamination to the public water system or to a private water system to such a degree or intensity that there could be a danger to health.

IMMINENT HAZARD: An actual threat of contamination that presents a danger to the public health with consequences of serious illness or death.

MODERATE HAZARD: One that presents foreseeable and significant potential for pollution, nuisance aesthetically objectionable or other undesirable alterations of the drinking water supply.

POINT OF DELIVERY: The terminal end of a service connection from the public potable water system, i.e. where the Director loses sole jurisdiction over the water; the point where water leaves the public water system and enters a private water system.

POTABLE WATER: Water from any source, which has been approved for human consumption by the appropriate agency of the State of North Carolina.

PRIVATE WATER SYSTEM: A system of pipes or other associated facilities that is not part of the town's public water system and is used to move or receive water, regardless of the source of water in such system.

REDUCED PRESSURE PRINCIPLE ASSEMBLY: An assembly containing within its structure a minimum of two (2) independently acting, approved check valves, together with an automatically operating pressure differential relief valve located between the check valves. The first check valve reduces the supply pressure by a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressures. In case of leakage of either check valve, the differential relief valve, by discharge to the atmosphere, shall operate to maintain the pressure between the checks less than the supply pressure. The assembly must include properly located test cocks and tightly closing shut-off valves at each end of the assembly.

REDUCED PRESSURE PRINCIPLE-DETECTOR ASSEMBLY: An assembly composed of an approved reduced pressure backflow prevention assembly with a bypass water

meter and a meter-sized approved reduced pressure devices. The meter shall register accurately for very low flow rates and shall register all flow rates.

WATER SUPPLY (APPROVED): Any public potable water supply, which has been investigated and approved by the appropriate agency of the State of North Carolina. The system must be operating under a valid health permit.

(E) Elimination of Cross-Connections

1) No private water system may be connected in any manner to the public water system unless the requirements of this ordinance and other applicable laws have been satisfied.

2) Only an approved device can be installed to meet the requirements of this ordinance. The installation of any backflow prevention assembly, which is not approved, must be replaced with an approved backflow prevention assembly.

(F) Installation, Testing and Maintenance of Backflow Prevention Assemblies

1) All backflow prevention assemblies shall be installed in accordance with the manufacturer's instructions and those furnished by the Town of Aberdeen. Only backflow preventers approved by the Town of Aberdeen shall be installed.

2) All backflow prevention assemblies required by this ordinance must be installed and maintained on the customer's premises as part of the customer's water system.

3) Ownership, testing and maintenance of the backflow prevention assembly will be the responsibility of the customer. Each assembly required in this ordinance must be functioning properly at all times.

4) Testing of backflow prevention assemblies shall be conducted by a certified tester, at the customer's expense. Tests shall be conducted upon installation and annually thereafter with a record of all testing and repairs retained by the customer. A copy of the certified record for each test or repair must be sent to the Town of Aberdeen by such customer within thirty (30) days after the completion of each test or repair, such records must be maintained on forms provided by the Town of Aberdeen.

5) Each backflow prevention assembly required under this ordinance must be accessible to the Town of Aberdeen.

6) When it is not possible to interrupt water service, the customer shall provide for the parallel installation of an approved backflow prevention assembly. The Director will not accept an unprotected bypass around a backflow prevented when the assembly is in need of testing, repair or replacement.

7) Any time that repairs to backflow assemblies are deemed necessary, whether through annual testing or routine inspection by the owner or by the Town of Aberdeen. These repairs must be completed within a time specified in accordance with the degree of hazard. Repairs on a private water system considered to be an imminent hazard shall be completed within twenty-four (24) hours, a high hazard shall be completed within ten (10) days, and all other repairs within twenty (20) days for any other private water system. Failure to comply can result in termination of a customer's water service.

8) Upon determination that a backflow prevention assembly is required to be installed on a customer's private water system, the customer will be notified in writing of the approved backflow prevention assembly which is required, on existing systems, the customer will have the following time periods within which to install the specified backflow prevention assembly.

Air-gap separation	30 days
Reduced pressure principle assembly (3/4" – 2")	30 days
Double check valve assembly (3/4" – 2")	60 days
Reduced pressure principle assembly (2-1/2" and larger)	60 days
Double check valve assembly (2-1/2" and larger)	60 days
Other approved backflow prevention assembly	30 days

9) The Director may require the installation of the required backflow prevention assembly immediately or within a shorter time period than specified above if he determines that any condition poses an unreasonable threat of contamination to the public water system. All devices required for new construction shall be installed prior to occupancy. All new construction plans and specifications shall be made available to the Director for approval and to determine the degree of hazard.

10) The customer shall notify the Director when the nature of the use of property changes so as to change the hazard classification of the property if necessary.

(G) High Hazard Facilities and Methods of Correction

1) All high hazard facilities and must have an approved reduced pressure principle assembly as a minimum containment device.

2) High hazard facilities include, but are not limited to any private water system used or designed pump or which may become pressurized for use with a booster for any reason to the extent that back pressure may occur, any private water system, which contains water which has been or is being re-circulated, a building with five or more stories above ground level, brewery, car wash with recycling system, bottling plant, chemical plant, dentist's office,

dry cleaning plant, fertilizer plant, film laboratory, fire sprinkler or standpipe system with chemical additives, hospital, clinic, medical building, irrigation system with chemical additives, laboratory, commercial laundry (except self- service laundry), metal processing plant, morgue or mortuary, nursing home, pharmaceutical plant, power plant, swimming pool, sewage treatment plant, tire manufacturer, veterinary hospital or clinic, restaurants, battery manufactures, exterminators and lawn care companies, dairies, canneries, dye works, recycling facilities.

3) If a cross-connection inspector does not have sufficient access to every portion of a private water system to permit the complete evaluation of the degree of hazard associated with such private water system, an approved reduced pressure principle assembly must be installed.

4) All existing lawn irrigation systems are high hazard facilities and must have a reduced pressure principle assembly (RPZ) device.

(H) Moderate Hazard Facilities and Methods of Correction

1) Moderate hazard facilities include, but are not limited to: fire sprinkler systems without booster pump facilities or chemical additives; connections to tanks, lines and vessels that handle non-toxic substances; lawn sprinkler systems without chemical injection or booster pumps; all industrial and most commercial facilities not identified as high hazard facilities.

2) All moderate hazard facilities must have a double check valve assembly as a minimum containment device.

(I) Fire Sprinkler Systems

1) All unmetered fire sprinkler systems without booster facilities or chemical additives must have a double check-detector check valve assembly as a minimum containment device.

2) All unmetered fire sprinkler systems with a booster facility or chemical additives must have a reduced pressure principle-detector assembly as a minimum containment device.

(J) Imminent Hazards

If the Director determines that a customer's private water system constitutes an imminent hazard, such customer shall install a backflow prevention assembly as may be specified by the Director within twenty-four (24) hours after notice of the Director's determination. If the customer fails to take corrective measures in a timely manner, or refuses to install the specified assembly, water service to the customer's private water system may be terminated. If the Director is unable to give notice to such customer or his representative within twenty-four (24) hours after the determination that an imminent hazard exists, despite reasonable efforts to provide such notice, the Director may terminate water service to the private water system until the specified corrected measures are taken. Upon correction of the existing problem and with the Director's approval, water service will be continued.

(K) Right of Entry

1) The Director or his authorized agent shall have the right to enter any building, structure or premises during normal working hours to perform any duty imposed upon him by this ordinance. Duties may include sampling and testing water, or inspections and observations of all piping systems connected to the public water supply. Prior notice will be given unless an imminent hazard has been reported.
Refusal to allow entry for these purposes may result in termination of the water service.

2) At the request of the Director, the customer shall furnish any pertinent information regarding the piping and chemical storage on such property where cross-connections are deemed possible.

(L) Responsibility of Customer

1) The customer shall be responsible for the elimination of or protection against all cross connections on his premises.

2) The customer shall maintain any backflow prevention assembly within his premise in good operating condition. The customer shall correct any malfunction of the backflow prevented, which is revealed by periodic testing.

3) The customer shall be responsible for the payment of all fees for annual testing, re-testing in the case that the assembly fails to operate correctly, and repairs.

4) A customer must immediately notify the Town of Aberdeen if the customer has reason to believe that backflow has occurred from the customer's private water system to the public water system.

(M) Unapproved Source of Supply

1) No person shall connect or cause to be connected any supply of water not approved by the State of North Carolina to the public water supply system.

2) Where a connection to a city water line is made, and the property owner continues to have a well or other source of water, it shall be unlawful for the plumbing servicing any building upon such property to be so connected that any water outlet within the building may be served with water from any source other than the city connection, and it shall also be installed that unlawful to have plumbing cross-connected or so installed that water from the city water system or the private water system may in any way become intermingled.

(N) Violations

1) A written notice of violation shall be given to any person which is determined to be in violation of any provision of this ordinance.

2) Such notice shall set forth the violation and the time period within which the violation must be corrected. The violation must be corrected within a reasonable time, as specified in the notice, not to exceed thirty (30) days from receipt of the violation notice. If the Director determines that the violation is occurring on a customer's private water system and that such violation has created or contributed to the existence of an imminent hazard, the customer may be required to correct the violation immediately.

3) Water service may be terminated to a customer if the customer fails to correct a violation or to pay any civil penalty or expense assessed under this section. Termination of water service will be without prejudice to the Town's ability to assert any other remedy available to the Town against the customer or any other person responsible for the violation.

4) The violation of any provision of this ordinance shall subject the violator to a civil penalty. Each subsequent day that a violation listed in (i) – (iv) continues shall constitute a separate and distinct offense according to the following schedule:

- i. Unprotected cross-connection involving a private water system which is an imminent hazard - \$1,000/day
- ii. Unprotected cross-connection involving a private water system which is a high hazard - \$750/day
- iii. Unprotected cross-connection involving a private water system which is a moderate hazard - \$500/day
- iv. Unprotected cross-connection for which no other civil penalty is prescribed - \$250/day.

Each violation listed in (v) – (ix) shall be considered a onetime violation subject to the following schedule:

- v. Falsifying records which are required to be submitted by this ordinance- tester may be removed from the approved certified tester list and/or \$500
- vi. Submitting incomplete records or failing to submit records which are required by this ordinance – tester may be removed from the approved certified tester list and/or \$250
- vii. Failing to test backflow prevention assemblies as required - \$100
- viii. Failing to maintain backflow prevention assemblies as required - \$100
- ix. Any other violation of the provisions of this ordinance - \$100

5) The Director may increase any civil penalty assessed under this section by \$100 or fifty percent (50%) of the maximum civil penalty associated with the violation, whichever is greater, for a second violation of the same provision within a two-year period. Water service may be terminated after a third violation of the same provision within a two-year period. Any person violating any provision of this ordinance shall pay to the Town all expenses incurred by the Town in repairing any damage to the public water system caused in whole or in part by such violation and any expense incurred by the Town in investigating such violation. All such expenses are deemed to be a part of the civil penalty assessed with the violation.

(O) Right of Appeal

Upon notice of the backflow prevention method required, the owner may request a hearing to review the selection process with Town Water and Sewer Department personnel. If the owner is dissatisfied with the results of this review, a written request for a hearing must be sent to the Director within ten (10) days of the Departmental review. Within ten (10) days, a formal hearing with the Director will be scheduled. A written response will be issued within ten (10) days after the hearing. The owner shall thereafter have the right of further appeal to the Town Council.

(P) All water meters shall be installed under the supervision of the town Public Works Director and pursuant to the specifications of the town.

('75 Code, § 24-10) Penalty, see § 50.99

(Amended 9-14-09)

§ 50.16 INSTALLATION FOR USERS RECEIVING SEWER SERVICE ONLY; FAILURE OF METER.

(A) Every person who receives his water supply from the town shall have a water meter installed upon the line furnishing such water.

(B) All water meters shall be installed under the supervision of the town and pursuant to the specifications of the town.
(‘75 Code, § 24-10)

(C) All users of the town sewer system not served by town water will be responsible for the installation and maintenance of an approved water meter that functions properly.

(D) In the event that a water meter fails to operate for any purpose, an estimated bill will be prepared, based upon an average of the three highest bills within the last year. In the event the previous years’ billing has been irregular and does not form a sound base for estimating cost, a bill will be determined by the Town Manager. If the user disagrees with the Town Manager’s cost determination, the cost will then be set by the Mayor and Board of Commissioners.
(‘75 Code, § 24-11) Penalty, see § 50.99 (Am. Ord., passed 8-14-00)

§ 50.17 TAMPERING PROHIBITED.

No unauthorized person shall in any manner tamper with any water meter which is the property of the town.

('75 Code, § 24-12) Penalty, see § 50.99

§ **50.24 SUPERVISION OF CONNECTIONS.**

(A) All water and sewer connections shall be made under the supervision of the Public Works Director and according to the specifications of the town.

(B) If a plumber or other contractor taps a town sewer line without the supervision of the town, the Public Works Director may, in his or her discretion, require that the line be uncovered, the connection removed and the line reconnected under the supervision of the town.
(Adopted 8/11/08)

SEWER USE REGULATIONS

§ 50.25 MAINTENANCE OF SYSTEM; DUTY TO KEEP PIPES FREE FROM OBSTRUCTION.

The owner, tenant or occupant of the property shall be continuously responsible for maintaining and keeping the sewer pipes leading to and between the plumbing system of his premises to the town's main sewer clean and free from obstruction and shall not cause, suffer or permit any article or thing to be introduced into the pipe which causes a stoppage thereof. Failure to deep the sewer pipes leading from the plumbing system to the sewer main clean and maintained in proper condition shall give the town the right to cut off the water connection, which shall not be reconnected until sewer pipes are cleaned and maintained properly.

('75 Code, § 24-14) Penalty, see § 50.99

§ 50.26 DISCHARGE INTO SEWER SYSTEM.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SANITARY SEWER. Any pipe, tile, tube or conduit owned by the town and for the purpose of carrying any combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

STORM SEWER. Any pipe, tile, tube or conduit owned by the town and for the purpose of carrying storm and surface waters and drainage waters.

(B) No storm, drainage or surface waters shall be discharged into the sanitary sewers of the town.
(‘75 Code, § 24-16)

(C) No substances, other than storm and surface waters and drainage waters shall be discharged into the storm sewers of the town.
(‘75 Code, § 24-17)

(D) (1) No person shall make or maintain any connection with any sewer or appurtenance thereof whereby there may be conveyed into such sewer any suffocating, corrosive or inflammable or explosive liquid, gas, vapor, substance or material.

(2) No person shall willfully pour oils or greases in to the sewer system of the town or place oils or greases in such a position that they may enter the sewer system by gravity or in any other manner.
(‘75 Code, § 24-18)

(E) (1) Any person who operates a wash pit shall be permitted to connect such wash pit with the town’s sanitary sewer system; provided, that the connection is equipped with an oil, grease or grit interceptor approved by the town and so constructed and used that no oil, grease, dirt, silt, grit or other foreign matter shall be allowed to enter the town’s sanitary sewer system.

(2) The operator of any service station or garage who shall permit such foreign matter to enter the town’s sanitary sewer system shall immediately disconnect such wash pit.
(‘75 Code, § 24-19) Penalty, see § 50.99

§ 50.27 DEVICE REQUIRED; APPROVAL OF PLANS.

(A) Storage tanks. In order to equalize flows over a 24 hour period, each person discharging a waste into the town's sanitary sewers having a volume in excess of 75,000 gallons (10,000 cubic feet) in any one day, shall construct and maintain at his own expense a suitable storage tank. Such tank shall have a capacity of at least 80% of the normal volume of one 24 hour production period of waste and whose outlet to the sewer is controlled by a water works type rate controller, or other approved devices, setting of which shall be directed by the town.

(B) Control manhole. Any person discharging industrial waste into the town's sanitary sewer shall construct and maintain a suitable control manhole, down stream from any pretreatment, storage or other approved works to facilitate observation, measurements and sampling of all wastes, including domestic sewage, from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the town.

(C) Measuring devices. Where a storage tank is not required, the control manhole shall be equipped with a permanent type volume measuring device such as a nozzle or other suitable devices as may be approved by the town. The manhole shall be installed at the expense of the person discharging the wastes and shall be maintained by him so as to be safe, accessible and in proper operating condition at all times.

(D) Plans for the construction of such storage tank, control manhole and controlling devices shall be approved by the town's consultant prior to the beginning of construction.

(E) All establishments with the capacity for preparing or processing food with the sole exception of private, self-contained residential units will be required to install at their own expense on their own property a suitable grease trap. Installed grease traps shall comply with the standards and specifications of the town. The property owner is solely responsible for maintaining the grease trap. Existing food service establishments will be given 180 days from official notification by the town in which to comply with this requirement. Failure to comply will result in the town having a grease trap installed on public property with all costs plus \$100 per billing being added to the customer's monthly utility bill until the premises is brought into compliance.

('75 Code, § 24-24) (Ord., passed 5-14-73; Am. Ord., passed) Penalty, see § 50.99

§ 50.28 RESTRICTIONS ON WASTE WHICH MAY BE INTRODUCED INTO SYSTEM.

(A) No person shall discharge or deposit any of the following waste materials into any town's sewer:

(1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

(2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease, exclusive of soap.

(3) Any flammable or explosive liquid, solid or gas, including, but not limited to gasoline, benzene, naphtha or fuel oil.

(4) Any garbage that has not been properly shredded.

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

(6) Any waters or wastes having a stabilized pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewer works.

(7) Any waters or wastes having a biochemical demand in excess of 1,000 parts per million (mg.l).

(8) Any waters or wastes containing more than 600 parts per million by weight of suspended solids.

(9) Any concentration of chloride higher than 250 parts per million.

(10) Any waters or wastes having an objectionable color which is not removable in the existing sewage treatment plan processes.

(11) Any waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals or create any hazard in the receiving stream at the sewage treatment plant.

(12) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the average sewage treatment plant.

(13) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(B) The town, without limitation by other sections of this subchapter, may authorize any person to discharge industrial waste of unusual strength or character in to the sewers of the town under approved conditions or pretreatment. The town may prohibit entry of particular industrial wastes in to the sanitary sewer whenever such action is necessary to prevent damage to the system or to determine the effects of such wastes on the sewage system.

('75 Code, § 24-25) (Ord., passed 5-14-73) Penalty, see § 50.99

§ **50.29** **VIOLATIONS; PENALTY PROVISIONS.**

For provisions concerning the penalty for violations of this chapter, see § 50.99.

§ 50.30 INSPECTION BY TOWN.

The duly authorized employees of the town bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this subchapter. ('75 Code, § 24-26) (Ord., passed 5-14-73)

§ **50.31 ABANDONMENT OF SEPTIC TANKS**

Whenever a septic tank is abandoned, it shall be solely be the property owner's responsibility to dispose of the septage and fill in or remove the tank such that it shall not create a health or safety hazard. The property owner should consult with the Moore County Environmental Health Department as to the proper procedure for abandoning a septic tank, and in the absence of such advise, it shall be mandatory that all tanks be pumped empty and filled with sand or torn out. Tanks deemed by the Town to present a health or safety hazard shall be required to be pumped, filled in, or removed. (Adopted 8/11/08)

§ 50.32 REPEALED ON 8/11/08.

RATES AND CHARGES

§ 50.40 DEPOSITS.

Any person making application for water or sewer services to his property shall deposit the amounts required by the schedule on file with the Town Clerk.
(’75 Code, § 24.20)

§ 50.41 MONTHLY WATER RATES.

(A) The monthly rates for water sold and delivered to each family or business unit served within the corporate limits shall be as set out in the schedule on file of the Town Clerk.

(B) The rates for water sold and delivered to each family or business unit served beyond the corporate limits shall be 200% of the rates in each category set forth in division (A) of this section.

(C) The minimum rates for water sold and delivered to each family or business unit served shall be as per the schedule on file in the office of the Town Clerk.

(D) The collection of delinquent accounts shall be made by the town pursuant to the authority granted the town by G.S. 160A-314.
('75 Code, § 24-21)

§ **50.42** **MONTHLY SEWER RATES.**

(A) The monthly rate for sewer service furnished shall be as per the schedule on file in the office of the Town Clerk.

(B) The rates for sewer service furnished and served beyond the corporate limits of this town shall be 200% of the rates set forth in division (A) of this section.

(C) The minimum rate for sewer service furnished shall be as per the schedule on file in the office of the Town Clerk.

(D) The collection of delinquent accounts shall be made by the town pursuant to the authority granted the town by G.S. § 160A-314.
(’75 Code, § 24-22)

§ 50.43 **COMPUTATION OF SEWER CHARGES; PRIVATE METERS
REQUIRED FOR WASTES FROM NONPUBLIC WATER
SOURCES.**

(A) The volume of flow used in computing regular waste charges or surcharges shall be based upon metered water consumption as shown in the records of meter readings maintained by the town's billing department. In the event that a person discharging wastes into the sanitary sewer system produces evidence to the town that a substantial part of his water used does not reach the town's sanitary sewer, the user may apply to the town for a reduced percentage of total water consumption to be used in computing sewer charges.

(B) Where the person discharging industrial wastes into the sanitary sewers of the town procures any part, or all, of his water supply from sources other than the town's water department, all or part of which is discharged in to the sanitary sewer, the person discharging such waste shall install and maintain, at his expense, water meters of a type approved by the town for the purpose of determining the proper volume of flow to be charged. The town has a right to read such private meters.

('75 Code, § 24-28) (Ord., passed 5-14-73)

§ 50.44 SURCHARGE FOR TREATMENT OF INDUSTRIAL WASTES.

(A) All persons discharging industrial wastes into the town's sanitary sewer system shall be rendered a monthly bill as a surcharge covering the entire costs to the town incurred by treating all wastes having a biochemical oxygen demand in excess of 250 parts per million or suspended solids in excess of 250 parts per million. Such surcharge shall be imposed as herein provided in addition to any existing sewer service charge and to any sewer charge imposed after the adoption of this subchapter. The aforesaid surcharge shall include:

(1) All fixed charges and amortizations costs of additional plant capacity required for treating such industrial wastes.

(2) A charge covering the cost incurred by the town in treating such wastes in the municipal sewage treatment plants.

(B) The surcharge, as set forth in division (A) of this section, shall be billed and payable monthly on a separate bill rendered to the proper persons by the town's billing department.

('75 Code, § 24-30) (Ord., passed 5-14-73)

§ **50.45 BILLING; DELINQUENCY.**

(A) Billing will be sent through the United States mail notifying all persons of the amount and date due. Failure to receive notice is not an excuse for nonpayment of bills.

(B) Persons not having paid their bills within 20 days of date of billing will be delinquent. If a bill remains unpaid by the 5th of the following month from the date of billing, the water connection serving the premises will be turned off and will not be turned on again until such bill is paid, plus any penalty to restore service.

(C) In case a person discharging wastes into the town's sanitary sewer system does not procure his water supply from the town and becomes delinquent in his payment of the aforesaid surcharge, his connection with the town's sewer system will be severed and will only be reconnected at his expense.

('75 Code, § 24-29) (Ord., passed 5-14-73)

§ **50.46 FEE FOR RECONNECTION AFTER TERMINATION FOR
 DELINQUENCY.**

In addition to the payment of any delinquent charge and interest and penalties thereon, there shall be paid to the town a fee as per the schedule on file in the office of the Town Clerk before water service shall be restored to a use when such service has been terminated because of a delinquency in the account of such user.

('75 Code, § 24-33)

§ **50.99** **PENALTY.**

Any person discharging unapproved domestic or industrial waste into the sanitary sewers of the town or otherwise violating any provision of this chapter may be subject to the penalties set forth in § 10.98 of this code, and the town may seek any of the equitable remedies set forth in § 10.98. Further, such persons may be held liable for the cost of the abatement by the town if the violation is found to constitute a public nuisance as provided in § 53.01 through 53.11.
(Amended 8-9-10)

PUBLIC WORKS

SOLID WASTE MANAGEMENT

§ 51.01 COLLECTION SCHEDULES.

Tuesday or Thursday

(A) Residences.

Except as otherwise provided in this chapter and except in the case of emergency arising from an act of God or under circumstances over which the Department of Public Works has no control, the department shall collect, remove, and dispose of certain refuse in residential sections of the town, once per week curbside pick up only.

(B) Businesses.

The department shall collect, remove and dispose of such refuse from business buildings once per week curbside pick up only.

(C) Collection Days.

Residential and business refuse will be picked up Tuesdays or Thursdays only.

('75 Code, § 9-5) (Am. Ord., passed 8-8-09)

§ **51.02 INDUSTRIAL SOLID WASTES.**

Industrial solid wastes shall be collected, removed and disposed of by the operator of the factory, plant or enterprise creating or causing the same in accordance with applicable provisions of this Code.

('75 Code, § 9-5)

§ **51.03 BUILDING RUBBISH.**

Building rubbish shall be collected, removed and disposed of by the contractor or builder, or in case of their failure to do so, by the owner of the property.
(’75 Code, § 9-5)

§ 51.04 COLLECTION FROM VACANT LOTS; TREE TRUNKS, ROCKS AND THE LIKE.

(A) Yard waste generated by normal lawn care that is separated and placed at the curb shall be picked up by the Town. Separation shall be as follows:

- (1) Pine straw, pine cones and leaves can be together.
- (2) Vines separate.
- (3) Sticks and twigs can be together.
- (4) Limbs and branches together with cut ends facing street.

(B) Limbs and branches no larger than 4 inches in diameter and 6 feet in length will be picked up by the Town. They must be placed at the curb for pick up. An amount of limbs 4 feet high, 8 feet long and 6 feet wide is the most that can be put at the curb for pick up at any one time. If this amount is exceeded, it will not be picked up.

(C) No debris or yard waste generated by a contractor will be picked up by the Town.

(D) No land clearing debris will be picked up by the Town.

(E) No building materials, demolition materials, shingles or cross-ties will be picked up by the Town.

(F) No tree trunks, tree stumps, rocks or masonry products will be picked up by the Town.

(G) The Town shall collect scrap metal and appliances and other metal products for recycling. Refrigerators, freezers and any other appliances which utilize Freon, must have Freon removed and a certification of the Freon removal must be provided before pick up. The Town shall not collect appliances generated by a commercial enterprise.

(H) No collection shall be made from vacant lots.
(’75 Code, § 9-5) (Am. Ord., passed 10-12-98)

§ **51.04(a) MEDICAL WASTE; DISPOSAL OF SHARPS.**

SHARPS. Needles, capillary tubes, slides and cover slips and scalpel blades.

All sharps must be packaged in a container that is rigid, leak proof when in an upright position and puncture resistant. This package then may be disposed of with your regular solid waste pick up.

(Ord., passed 10-12-98)

§ 51.05 COLLECTION OF LEAVES.

The Town shall collect leaves, straw, grass clippings, bush trimmings and other trash generated as a result of normal lawn care.

('75 Code, § 9-11) (Am. Ord., passed 10-12-98)

§ 51.06 CHANGES IN COLLECTION ROUTES.

Once an established collection route is established, any changes must be advertised in the local newspaper once at least 15 days before such changes are effective.

('75 Code, § 9-7)

§ **51.07 PLACEMENT FOR SPECIAL COLLECTION.**

All materials to be collected shall be placed on the curb line at the street or in an area close by, without blocking street, sidewalks, etc. These materials shall be in neat compact piles.

(A) Carpet, padding, etc. The Town of Aberdeen shall pick up the above items provided that they are cut into 36 inch strips, rolled, tied and placed at the curb for pickup.

(B) Chairs, couches, mattresses, etc. The Town of Aberdeen shall pick up the above items during normal garbage collection days or each Wednesday.

(C) In the event of a major storm, some or all of the yard waste regulations may be waived for a short period of time.

('75 Code, § 9-9) (Am. Ord., passed 10-12-98)

§ **51.08 PERMITS REQUIRED FOR COLLECTING BUSINESSES.**

No person shall engage in the business of collecting, hauling or transporting any waste in the town without first obtaining a permit from the Board of Commissioners.
(’75 Code, § 9-5)

§ 51.09 PREPARATION OF MATERIALS FOR COLLECTION.

(A) Liquids; covering of containers. All garbage and refuse shall have the liquid drained therefrom before it is placed in the container for collection. All lids to containers shall fit tight after the containers are filled. The covers shall be kept on the containers at all times, except when being filled or emptied.

(B) Tree trimmings, grass, etc. Any person desiring to place tree trimmings, hedge cuttings, grass or similar materials for free collection shall cause the material to be placed on the curb line at the street on the area between the sidewalk and the curb on the day designated for such pick up.

(C) Crushing of cardboard boxes. All cardboard boxes shall be crushed flat before collection.

(D) Separation of trash. All trash placed at the curb for pick-up must be separated according to type of trash, as follows:

(1) Limbs and building scraps must be separated from grass clippings, pine straw, cones or vines.

(2) Vines must be separated from all other materials.

(3) Metal products must be separated from all other materials.

('75 Code, § 9-6) (Am. Ord., passed 8-8-94)

§ 51.10 CONTAINERS.

(A) Shall use containers provided by the Town of Aberdeen.

(1) Each residence will be provided one 95 gallon roll-out container for once a week pick-up.

(2) Garbage and/or refuse must be bagged in biodegradable 30 gallon capacity plastic bags and tied securely for storage in containers until collection.

(3) No garbage shall be collected unless it is in containers approved in this chapter. Each residence and small business shall have a town provided container. Containers in violation of this chapter will not be emptied after 12/1/09.

(B) Required for businesses.

Businesses are allowed one 95 gallon roll-out container. Businesses that have larger garbage amounts may request from the Public Works Director up to a total of three 95 gal containers. All containers requested must be utilized every week or some containers will be picked up and re-distributed. Any business that exceeds three 95 gal containers must have a dumpster provided by an outside waste hauler.

(C) Under certain circumstances where there is no adequate space for dumpster location they may request with the Public Works Director additional containers at additional monthly fees.

(D) Storage of cardboard boxes; automatic containers required for central business district. Persons occupying business buildings shall store cardboard boxes inside the building, unless such boxes are stored in automatic containers.

(E) Prohibited containers. No wooden boxes, pail or other wooden or cardboard containers shall be used for garbage and refuse. If used, such containers shall be confiscated by the town. This provision also includes 55 gallon drums or parts thereof.

(F) Transportation. No swill, slops, garbage, bones, offal, kitchen waste or refuse shall be carried through the streets of the town, except in watertight metal containers with tight fitting covers.

('75Code, § 9-8) (Am. Ord., passed 8-8-09)

PUBLIC WORKS

STREET AND SIDEWALK IMPROVEMENTS

GENERAL PROVISIONS

§ 52.01 OBSTRUCTION OF STREETS AND SIDEWALKS PROHIBITED.

(A) Except as set forth in division (D), no person shall place or deposit upon the public streets or sidewalks of the town any object that shall obstruct or tend to obstruct such street or sidewalk.

(B) Division (A) of this section shall not apply to materials necessarily placed on sidewalks in the course of alteration or construction of any building, when such materials are placed thereon by a person duly bonded for such purpose and when the objects or materials are illuminated at night by red lanterns, red lights or torches.

(C) Division (A) of this section shall not apply to benches or decorative flowerpots placed on the sidewalks with the permission of the Board of Commissioners.

(D) Display of merchandise within the B-1 Central Business District

(1) Time of Display. Merchandise being displayed or for sale on the exterior front of any building shall only be displayed during business hours. Every merchant shall be responsible for removing all items being displayed at the close of business each day. Each merchant shall also be responsible for removing all litter and other trash associated with the display of merchandise at the close of each business day.

(2) Location of Merchandise. All merchandise being displayed or for sale on the exterior front of any building shall be set back a minimum of six (6) feet from the edge of the curbing.

(3) The maximum square footage permitted for a display shall be thirty-six (36) square feet.

(4) Occupation of public rights-of-way. It shall be unlawful for any merchandise to encroach into the public rights-of-way in any manner that will cause the open pedestrian passageway to be less than three (3) feet in width, or to locate within twenty (20) feet of any intersection, crosswalk, or driveway.

(5) Loud noises. It shall be unlawful for any person displaying merchandise on the exterior front of their business to cause any loud or offensive noise, either from his or her person or from any device, instrument, or equipment for the purpose of attracting attention to any goods or services for sale.

(6) Use of public benches, utility poles, or other structures prohibited. It shall be unlawful for any person displaying merchandise on the exterior front of their business to block the use of any public bench or to use any public utility pole, tree, or shrub, or any other public structure for displaying or promoting the sale of any goods or service.

(7) Display of merchandise on ground prohibited. It shall be unlawful for any person displaying merchandise on the exterior front of their business to display goods or merchandise on the ground, or on any cloth, plastic, or similar ground covering.

(8) Endangerment of health, safety, and/or welfare prohibited. It shall be unlawful for any person displaying merchandise on the exterior front of their business to display any goods or merchandise in any manner which would endanger the health, safety, and/or welfare of the public.

(9) Relocation. It shall be unlawful for any person displaying merchandise on the exterior front of their business to comply with a request from the manager, planning director, or a police officer to move or relocate a display when such request is made to safeguard the health, safety, and welfare of the public.

('75 Code, § 22-1; Ord., passed 3-12-90, Am. Ord., passed 8-14-06, Am. Ord., passed 6-11-07)

§ **52.02 OBSTRUCTION OF DRAINS OR DITCHES PROHIBITED.**

No person shall obstruct the flow of storm water by obstructing any ditch or drain on the several alleys and streets of the town in any manner whatsoever or any natural drain located within the town.

('75 Code, § 22-2)

§ **52.03 MACHINERY LIABLE TO INJURE PAVEMENT PROHIBITED.**

No person shall drive or permit to be driven over any hard surfaced asphalt or paved street of the town any agricultural machinery, such as harrows and the like with sharp blades, discs or spikes that will drag on the pavement or any traction engine with caterpillar wheels or any heavy piece of machinery that will in any way damage or injure the pavement.
(’75 Code, § 22-3)

§ 52.04 CERTAIN SUBSTANCES AND INJURIOUS MATERIAL
PROHIBITED.

(A) No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, paper, containers, cans or any other substance likely to injure any person, animal or vehicle.

(B) Any person who drops or permits to be dropped or thrown upon any street any destructive or injurious material shall immediately remove such material or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a street shall remove any glass and other injurious substance dropped upon the street from such vehicle.
(’75 Code, § 22-4)

§ **52.05 USE FOR STORAGE OR SALE OF VEHICLES PROHIBITED.**

No person shall use any of the streets or sidewalks within the town for the purpose of storing junk, abandoned or used automobiles or motor vehicles, or for temporary storage of vehicles for the purpose of sale or repair, except in emergencies.

('75 Code, § 22-5)

§ 52.06 DRIVEWAY CONSTRUCTION; PERMIT REQUIRED.

All property owners shall obtain a permit from the town before beginning construction of a driveway.

('75 Code, § 22-6)

§ **52.07 SNOW AND ICE REMOVAL.**

Every occupant of a store building, in front of which the sidewalk is paved with stone, brick, asphalt or cement shall remove snow, ice or other obstructions from such sidewalk at the earliest possible time and as soon as the weather permits.

('75 Code, § 22-7)

**§ 52.08 FASTENING SIGNS OR CAUSING DAMAGE TO TREES OR
POLES PROHIBITED.**

It shall be unlawful for any person to nail or otherwise fasten to any shade tree, telephone, telegraph or electric light pole on any of the streets, sidewalks or alleys of the town any sign or notice, or in any way damage or deface such trees or poles.
(’75 Code, § 22-8) (Ord., passed 4-1-91)

**§ 52.09 PERSONS BLOCKING FREE PASSAGE OF STREET OR
SIDEWALK.**

The assemblage or congregation of persons on the streets or sidewalks in such manner as to block or obstruct free passage thereof shall not be permitted. It shall be the duty of the Chief of Police or any police officer to disperse any such assemblage or congregation. Persons refusing to disperse after being direct to do so by the police shall be guilty of a misdemeanor. ('75 Code, § 22-9)

§ **52.10 VEGETATION PROJECTING OVER STREETS OR SIDEWALKS
 PROHIBITED.**

It shall be unlawful for any person owning or occupying property abutting a street or sidewalk to allow any trees, plants or shrubs growing on such property to project over the street or sidewalk in such manner as to obstruct or interfere with the safe passage of vehicles or pedestrians.

('75 Code, § 22-10)

§ **52.11 RESTRICTIONS ON VEGETATION AT INTERSECTIONS.**

No plantings or other obstruction more than 30 inches high may be made on the right-of-way between the curb and sidewalk for a distance of 50 feet from the corners of intersections.
(’75 Code, § 9-10)

EXCAVATIONS

§ 52.20 PERMIT REQUIRED.

No person shall do any construction or repair work involving the tearing up or relaying of any street or part of street or obstruct, dig up or into, or in any way disturb any street or part of street, including removal of earth from ditches, in the town without first procuring from the Town Clerk a written permit therefore. Such permit shall be issued under such conditions as may be prescribed by the Public Works Director or his duly authorized representative, shall accurately describe the portion of the street to be affected, shall make provisions for the replacement of that part of the street which is to be placed in the same condition as when disturbed and shall be operative; provided that the permit may provide for the replacement work to be performed by the town at the expense of the permit holder.

('75 Code, § 22-11)

§ **52.21 BARRICADES.**

Any person carrying on or doing any construction, excavation or repair work in any street or part of street in the town, pursuant to a permit from the town as provided in § 52.20, shall erect and maintain proper, safe and sufficient barricades to the specifications set by the Public Works Director, and during the period of time between one-half hour after sunset and one-half hour before sunrise shall maintain sufficient lights or flares around such barricades, work or excavations to warn persons of the presence of such excavations and work and to prevent injury to persons and property.

('75 Code, § 22-12)

§ **52.22 RESTORATION OF STREET.**

Upon the expiration of any permit granted by the Town Clerk pursuant to the provisions of § 52.20, the permit holder shall restore that street or part of street upon which such construction, excavation or repair work has been performed to the specifications set by the Public Works Director, that such work may be done by the town at the expense of the permit holder.

('75 Code, § 22-13)

STREET AND SIDEWALK IMPROVEMENTS

§ 52.30 ASSESSMENTS.

In addition to any authority which is now or may hereafter be granted by general law to the town from making street improvements, the Board of Commissioners is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provision of this section.

§ 52.31 WHEN PETITION UNNECESSARY.

The Board of Commissioners may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersection, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the Board as a fact:

- (A) That the street improvement project does not exceed 1,200 linear feet;
- (B) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement;
- (C) That it is in the public interest to connect two streets or portions of a street already improved; or
- (D) That it is in the public interest to widen a street, or part thereof, which is already improved, provided that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving standards established by the town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this section.

§ 52.32 **STREET IMPROVEMENT DEFINED.**

For the purpose of this section, the term STREET IMPROVEMENT shall include grading, regarding, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way and the construction or reconstruction of curbs, gutters and street drainage facilities.

§ **52.33 SIDEWALKS; ASSESSMENT OF COSTS.**

In addition to any authority which is now or may hereafter be granted by general law to the town from making sidewalk improvements, the Board of Commissioners is hereby authorized, without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the town, and to assess the total cost thereof against abutting property owners according to one or more of the assessment bases set forth in Article 10 of Chapter 10A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the Board of Commissioners may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

§ **52.34 ASSESSMENT PROCEDURE.**

In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this section, the Board of Commissioners shall comply with the procedure provided by Article 10 of Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

§ **52.53 EFFECT OF ASSESSMENTS.**

The effect of the act of levying assessments under the authority of this section shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

§ 52.36 ACCEPTANCE OF CONVEYANCE IN SATISFACTION OF ASSESSMENTS.

The Town Tax Collector, or other official or employee of the town having charge of the collection of special assessments, shall have the right, power and authority by and with the approval of the Board of Commissioners first obtained, to receive and accept a fee simple conveyance to the town of any lot or parcel of land in the town, free and clear of other encumbrances, in settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power and authority however, shall be limited to a conveyance of the whole of the lot or parcel of land against which the particular assessment or assessments involved were levied. No lot or tract of land may be divided and no such right power and authority exercised as to a part only of the property originally embraced in and covered by said assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the town, upon the receipt of any such conveyance, shall become and be the absolute fee simple owner of the property as fully to all intents and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

PUBLIC WORKS

NUISANCES

GENERAL PROVISIONS

§ 53.01 DEFINITIONS.

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

ASHES. Refuse resulting from the burning of wood, coal, coke and other combustible material.

AUTOMATIC CONTAINERS. Waterproof and odor proof containers, in size from one cubic yard to eight yards, approved by the town for use in commercial, business, industrial residential and other approved areas.

BUILDING RUBBISH. Rubbish from construction, remodeling and repair operations on houses, commercial buildings and other structures, including but not limited to excavated earth, stones, brick, plaster, lumber, concrete and waste parts occasioned by installations and replacements.

BUSINESS BUILDING. Any structure, whether public or private, that is adapted for the transaction of business, for rendering of professional services, for amusement, for the display or sale or storage of goods, wares, merchandise, articles or equipment, including hotels, apartment houses, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, abattoirs, warehouses, sheds, barns and other structures on premises used for or adapted to business purposes.

DIRECTOR OF PUBLIC WORKS. The Director of Public Works of the town or his agent.

GARBAGE. Animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incidental thereto.

INDUSTRIAL WASTE. Sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, plastic or other waste materials from processing plants, factories or manufacturing operations.

REFUSE. Solid waste, including but not limited to garbage, rubbish and ashes.

RUBBISH. Refuse, exclusive of garbage and ashes, including but not limited to paper, rags, cartons, boxes, wood, excelsior, rubber, leather, trees, bush and hedge branches, cuttings and trimmings, yard trimmings, grass, leaves, tin cans, metals, small mineral matter, glass, crockery, dirt, earth and dust.

WASTE. Useless, unused, unwanted or discarded materials resulting from natural community activities, including solids, liquids and gases.

§ 53.02 CLEAN AND ORDERLY CONDITION OF PREMISES.

Every owner and every occupant or other person in control of any building or land in the town, including vacant property, shall keep the same in a clean and orderly condition and shall deposit refuse for collection in accordance with the provisions of this chapter and the regulations of the Director of Public Works. Combustible and noncombustible refuse shall be stored in containers complying with this chapter.

('75 Code, § 9-2)

§ 53.03 WASTE ON PUBLIC LANDS OR IN WATERS PROHIBITED.

No person shall throw, drop or deposit, or cause to be thrown, dropped or deposited, on any land in the town, vacant or occupied, including specifically streets, alleys, sidewalks and other public and semipublic areas, and all waters under the jurisdiction of the town, any waste, including but not limited to refuse, garbage ashes, rubbish, dead animals or fish, paper, drinking cups, broken glass, tacks, brush, grass, weeds and anything injurious to health. If any person, while transporting or hauling or causing to be transported or hauled, such rubbish or material, or earth excavation, coal or other material, shall throw, drop or deposit, or cause to be thrown, dropped or deposited such rubbish or material from the body of the vehicle, in violation of the provisions of this section, such person must daily clean up and remove such rubbish or material in a manner satisfactory to the Director of Public Works. If any person fails to clean up and remove such rubbish and material the Department of Public Works may clean up and remove such rubbish and material, and the town may recover the cost of such cleaning up and removal from such person.

('75 Code, § 9-3)

§ 53.04 STORAGE OF MATERIAL ON PRIVATE PROPERTY.

(A) No person or business shall store any crates, bottles, equipment, machinery, materials or junked motor vehicles on any property within the Town of Aberdeen, except within an enclosure of such nature that the property so stored is hidden from public view.

(B) For the purposes of this section, the term “junk motor vehicle” means a vehicle that does not display a current license plate issued to that specific vehicle and that it:

- (a) Is partially dismantled or wrecked; or
- (b) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (c) Is more than five years old and appears to be worth less than one hundred dollars (\$100.00).

(C) Any violation of this section shall be subject to a civil penalty and/or equitable relief provided for in § 10.98 of this Code. (Amended 8/9/10)

(D) Machinery and equipment may be exempted from such provisions by the express consent of the Board of Commissioners.

(E) Where it is impractical to store materials as provided in this section, such materials may be stored without an enclosure with the express consent of the Board of Commissioners, but such materials shall at all times be stacked or stored in compact units so that they will not constitute a nuisance. The Board of Commissioners, in granting such permission, may specify such other conditions as it may deem advisable.

(F) Weeds and grass on such lot shall be kept cut around the enclosure or machinery so that it does not constitute a nuisance.
(’75 Code, § 15-3) (Am. Ord. passed 4-14-03)

§ 53.05 WEEDS AND OTHER CONDITIONS DEEMED TO BE A PUBLIC NUISANCE.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is 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 are found, deemed, and declared to be public nuisances wherever the same may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:.

(A) The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches is deemed causing or threatening to cause a hazard detrimental to the public health or safety.

(B) Any accumulation of rubbish, trash, junk, or condition of any nature whatsoever, any accumulation of rubbish, trash, junk, or condition causing or threatening to cause a fire hazard, or any accumulation of rubbish, trash, junk or condition causing or threatening to cause the accumulation of stagnant water, or any accumulation of rubbish, trash, junk, or condition 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 ice box, refrigerator, stove, glass, building material, building rubbish or similar items.

(E) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.
(’75 Code, § 9-13) (Ord., passed 1-8-79; Am. Ord., passed 8-10-87)

(F) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats, snakes, or other pests or has the potential for becoming a breeding ground or harbor for such pests.

(G) A place of heavy growth of weeds, grasses or vegetation over twelve (12) inches in height on any subdivided property, or which lie less than one hundred (100) feet from any abutting open street or which lies less than one hundred (100) feet from any adjoining property line which contains a structure, or is a place of heavy growth of weeds or grasses over twelve (12) inches in height which lies within fifty (50) feet of any occupied dwelling; provided, that the nuisance defined by this subsection shall be cleared and cut to the satisfaction of the town manager or his designee.

(H) A place of growth of noxious vegetation, including poison sumac (*Rhus vernix*), poison ivy (*Rhus radicans*) or poison oak (*Rhus toxicodendron*), in a location likely to be accessible to the general public.

(I) An open place of collection of water for which no adequate natural drainage is provided and where insects tend to breed or which is or is likely to become a nuisance or a menace to public health.

(J) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature.

(K) Is an open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind.

(L) Hides, dried or green provided the same may be kept for sale when thoroughly cured and odorless, and provided that the handling and/or sale of the hides is in compliance with Aberdeen Unified Development Ordinance.

(M) Any furniture, appliances, automotive parts or pieces or other wood or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement, or areas which may provide a habitat for rats, snakes, insects, or other pests.

(N) Any improper or inadequate drainage 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.

(O) Any stormwater retention or detention pond or other impoundment device which is operating improperly as designed, is clogged, breached, or otherwise not operating as permitted.

(P) Any stormdrain, sewer manhole, abandoned well or other private or public facility which is not properly covered with a grate or other means to remove any hazard to pedestrians or motor traffic.

(Q) Any ditch, trench, or below ground portion of a construction project which remains open for more than five (5) days without being completed, or properly permitted and secured, or which is not protected with barricades, flags or other means so as to constitute a hazard to pedestrians or motor traffic.

(R) Failure to clean or clear a public street of mud and debris related to a construction, timbering or other similar land use project within twelve (12) hours after notification by the town manager or his designee for major and minor thoroughfares or within twenty-four (24) hours after such notification for collector and local streets; however, if it is found by the town manager or his designee that the situation is causing a clear and present danger or hazard to traffic or the general public, such cleaning or clearing may be required to take place as soon after notification as practicable.

(S) Any condition which violates the rules and regulations of the Moore County Health Department. Or,

(T) Any other condition specifically declared to be a danger to the public health, safety, morals, and general welfare of inhabitants of the town and a public nuisance by the town board of commissioners which proceeding may be initiated by the town manager or his or her designee before the board and after giving written notice thereof. Such notice shall state the condition existing, the location and that the board will be requested on a day certain, after a public hearing at which the person notified may appear and be heard, to declare that the conditions existing constitute a danger to the public health, safety, and general welfare of the inhabitants of the town and a public nuisance. After such declaration by the board, the condition will be abated as provided for in this chapter, provided no administrative appeal shall lie from the proceeding.

('75 Code, § 9-13) (Ord., passed 1-8-79; Am. Ord., passed 8-10-87, Am. Ord., passed 1-8-18)

§ 53.06 INVESTIGATION OF CONDITIONS BY TOWN MANAGER.

The Town Manager, upon notice from any person of the possible existence of any of the conditions described in § 53.05 shall cause to be made by the appropriate County Health Department official, or town official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in § 53.05. ('75 Code, § 9-14) (Ord., passed 1-8-79; Am. Ord., passed 8-10-87)

§ 53.07 NOTICE TO ABATE NUISANCE.

(A) If it appears that such conditions exist, the Town Manger shall cause to be posted on property, or delivered or mailed to the owner of the property upon which the conditions exist, a notice stating the reasons why the conditions constitute a violation and a public nuisance and, further, shall order the prompt abatement thereof within ten (10) days from the receipt of such written notice. The date of mailing plus three days shall constitute the date of receipt by the property owner for purposes of this section 53 for all notices required hereunder. Notice by posting or delivery shall occur on the actual date of posting or delivery for all purposes hereunder.

(B) Within the ten-day period mentioned in subsection (A) above, the owner of the property where the nuisance exists may appeal the findings of the town manager or his or her designee made pursuant to subsection (A) above to the town board by giving written notice of appeal to the town clerk. The filing of the appeal shall stay the abatement of the nuisance by the town until a final determination by the town board, unless the town manager or his or her designee certifies to the board that, because of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property or that, because the violation is transitory in nature, a stay would seriously interfere with the effective enforcement of this chapter. In that case, abatement proceedings shall not be stayed except by order of the town board or a court of competent jurisdiction, issued on application of the party seeking the stay, for due cause shown, after notice to the town manager or his designee. In the event no appeal is taken, the town may proceed to abate the nuisance. If an appeal is conducted by the town board, the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

(C) The town board, in the event an appeal is taken as provided in subsection (B) above and after hearing all interested persons and reviewing the findings of the town manager or his or her designee, may reverse the findings made pursuant to subsection (A) above; but if the board shall uphold the findings of the town manager or his or her designee, the board shall adopt an ordinance or other written finding specifically declaring the condition existing on the property to be a danger and hazard to the health, safety, and general welfare of the inhabitants of the town and public nuisance and directing the appropriate town employees to cause the condition or conditions to be abated as soon as practical.

(’75 Code, § 9-15) (Ord., passed 1-8-79; Am. Ord., passed 8-10-87, Am. Ord., passed 1-8-18)

(D) Any decision by the town board may be appealed to Superior Court pursuant to G.S. 160A-393.

§ **53.08 ABATEMENT OF NUISANCE BY TOWN.**

(A) If the owner, having been ordered to abate such a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 10 days from receipt of said order or notice, the Town Manager or his or her designee shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor hired by the town go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the administrative officer. In such instances, weeds or grass shall be cut to a height satisfactory to the manager or his or her designee.

(B) The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the town to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within 15 days from the receipt thereof.

('75 Code, § 9-16) (Ord., passed 1-8-79; Am. Ord., passed 8-10-87; Am. Ord., passes 1-8-18)

§ 53.09 FAILURE TO PAY CHARGES.

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in § 53.07, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

('75 Code, § 9-17) (Ord., passed 1-8-79; Am. Ord., passed 8-10-87)

§ 53.10 WHEN NOTICE CANNOT BE GIVEN.

In any case in which the Building Inspector or Town Clerk is unable to give written notice to owner, lessee. Occupant or person in possession of premises upon which a nuisance exists, whether by reason of inability to identify any such person or to ascertain his address, the Building Inspector or Town Clerk shall give such notice by publication in a newspaper of general circulation which is qualified under U.S. § 160A-597 to publish legal advertisements in the county. At the same time, the Building Inspector or Town Clerk shall post a copy of such notice at a conspicuous place upon the premises in question. The 10 day period provided in § 53.07 shall commence to run from the beginning date of such newspaper publication, and the cost of such publication shall be including in the cost of removal of the conditions which constitute the nuisance.

('75 Code, § 9-18) (Ord., passed 1-8-79)

§ 53.11 SECOND AND SUBSEQUENT NOTICES AND VIOLATIONS

(A) Upon the third violation within a calendar year, the town shall provide a chronic violator notice that without further notice the town may abate a chronic public nuisance. The notice shall be sent by registered or certified mail. When service is attempted 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 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

(B) Upon the fourth violation within a calendar year, the town may, through its agent employees, or a contractor, enter a premises to abate any public nuisance without any notice to the property owner.

('75 Code, § 9-18) (Ord., passed 1-8-79; Am. Ord., passed 1-8-18)

§ **53.12 VIOLATIONS.**

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. § 14-4.

('75 Code, § 9-19) (Ord., passed 1-8-79; Am. Ord., passed 8-10-87; Am. Ord., passed 1-8-18)

§ 53.13 CIVIL PENALTY PROVIDED.

(A) A violation of any provision of this article shall constitute a misdemeanor punishable as provided in section 10.98 and as set forth below.

(B) A violation of any provision of this article shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) in addition to any cost of abatement. No penalty shall be imposed if the offender abates the nuisance within the prescribed time or requests the town to abate the nuisance as allowed in section 53.07. If the offender does not abate the nuisance within the prescribed time limit, the penalty may be imposed for each day the nuisance remained after the written notice of violation was given and terminating on the date the nuisance was abated by the town. The town may pursue concurrently or independently violations of other ordinances on the same property that involve relevant penalties of a lesser or greater amount than those described herein.

(C) The offender shall be issued a written citation by delivery in person or mailed by certified or registered mail. The civil penalty must be paid within the ten (10) days of its receipt by the offender or property owner.

(D) The penalty may be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been issued a citation.

('75 Code, § 9-19) (Ord., passed 1-8-79; Am. Ord., passed 8-10-87; Am. Ord., 1-8-18)