



Town of Southern Shores

"A Town of Volunteers"

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Ordinance No. 2004-01-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA, RELATING TO BLOCKING OR OBSTRUCTING STREETS

Whereas, the Town of Southern Shores has suffered damage to streets, multi-use paths and other public infrastructure due to drainage problems caused at least in part by the run-off of storm water from properties that have been filled wholly or in part with dirt, sand and other materials; and,

Whereas, adjacent property owners have complained to the Town about ponding and other storm water issues problems caused at least wholly or in part by the run-off of storm water from adjacent and nearby properties that have been filled with dirt, sand and other materials; and,

Whereas, storm water coming off filled lots has caused flooding of streets after even modest rain storms and such flooding has both caused safety hazards and impeded traffic flow for motorists, bicyclist, and pedestrians; and,

Whereas, NCGS 160A-296 creates a responsibility of municipal governments to keep streets in repair and free from obstructions, such as occur from excess water; and,

Now, Therefore, Be It Ordained by the Town Council of the Town of Southern Shores, North Carolina:

Section One: Construction of Ordinance

For purpose of this Ordinance, language being shown in italics (*italics*) shall be considered as being existing in the Southern Shores Town Code; language being shown as underlined (underlined) shall be considered as additions to the Southern Shores Town Code; and language being shown in strikethrough (~~strikethrough~~) shall be considered as deletions from the Southern Shores Town Code.

Section Two: Conditions Blocking or Damaging Streets, etc.

That the Southern Shores Town Code is hereby amended by adding a section to be numbered 6-1.1., which section reads as follows:

It shall be unlawful for any person to cause a condition such that the public streets, sidewalks, alleys, and bridges within the Town are not open for travel nor free from unnecessary obstructions. Such conditions shall include but are not limited to activities causing the flow of water, including water from storms or from man-made causes, to accumulate on a public street, sidewalk, alley, or bridge or to flow in such a manner that a public street, sidewalk, alley, or bridge is damaged or could reasonably be anticipated to be damaged and thus create an obstruction to travel.

Section Three: Amend Section 6-26 Relating Conditions Declared Nuisances

That section 6-26 of the Southern Shores Town Code is hereby amended to read as follows by the addition of subsection (6.1):

(6.1) A condition causing obstruction of any public street, sidewalk, alley, or bridge within the Town. Such condition shall include but is not limited to any activity or state causing water, sand, sediment or other material to accumulate on a public street, sidewalk, alley, or bridge or to exist or move in such a manner that the a public street, sidewalk, alley, or bridge is damaged or could reasonably be anticipated to be damaged and thus create an obstruction to travel.

Section Four: Amend Section 6-27 Relating to Nuisance Abatement Investigations

That section 6-27 of the Southern Shores Town Code is hereby amended to read as follows:

The ~~chief of police~~ town manager, upon notice from any person of the existence of any of the conditions described in section 6-26, shall cause to be made, by the appropriate county health department official or town official, such investigation as may be necessary to determine whether such conditions exist as to constitute a public nuisance as declared in section 6-26.

Section Five: Amend Section 6-28 Relating to Nuisance Abatement Order

That section 6-28 of the Southern Shores Town Code is hereby amended to read as follows:

(a) Upon a determination that conditions constituting a public nuisance exist, the ~~chief of police~~ town manager shall notify, in writing, the owner, occupant or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the receipt of such written notice. Receipt shall be deemed to occur on the third day after the date of the postmark if the notice is deposited in a United States Post Office.

(b) Abatement of a public nuisance shall consist of taking whatever appropriate steps are reasonably necessary to remove the condition or conditions, which result in the declaration of a public nuisance. Without limitation the ~~chief of police~~ town manager, in ordering the abatement of a public nuisance, any require the removal of debris, rubbish, accumulations of animal or vegetable matter, growth of weeds and grass, burned or partially burned buildings, the isolation of the condition to be abated so that access cannot be gained by persons or property which may be injured by the nuisance or such other steps which are reasonably necessary to abate the nuisance.

Section Six: Amend Section 6-29 Relating to Nuisance Abatement by Town

That section 6-29 of the Southern Shores Town Code is hereby amended to read as follows:

(a) If any person, having been ordered to abate a public nuisance, fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from receipt of the order given pursuant to section 6-28, the ~~chief of police~~ town manager shall cause such condition to be removed or otherwise remedied by having employees of the town or independent contractors go upon such premises and remove or otherwise abate such nuisance under the supervision of the town manager ~~an officer or employee designated by the chief of police.~~

(b) Any person who has been ordered to abate a public nuisance may, within the time allowed by this chapter, request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.

(c) In the event a local contractor cannot be obtained after a reasonable effort, the ~~chief of police~~ town manager shall be authorized to obtain the services of a contractor outside the immediate local area, and the costs thereof shall be deemed to be reasonable.

Section Seven: Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Section Eight: Effective Date

This Ordinance is effective immediately.

Approved this 13th day January 2004.


Mayor Paul Sutherland

ATTEST:


Carrie Gordin, Town Clerk

Approved as to Form:


Ike McRee, Town Attorney

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