

ORDINANCE NO. 111

Property Maintenance Ordinance

Perquimans County

Adopted by the
Perquimans County Board of Commissioners on
September 8, 2026

Ordinance # 111

An Ordinance Providing for THE PREVENTION AND ABATEMENT OF PUBLIC NUISANCES CAUSED BY THE UNCONTROLLED GROWTH OF NOXIOUS WEEDS AND GRASS AND THE ACCUMULATION OF REFUSE.

Adopted: September 8, 2026

WHEREAS, the uncontrolled growth of noxious weeds and grass, the accumulation of offensive animal and vegetable matter, and the accumulation of refuse regardless of location, causes or threatens the public health or safety; and

WHEREAS, Perquimans County is presently authorized by Section 153A-132, 153A-132.2 and 153A-140 of the General Statutes of North Carolina to abate nuisances and to take all actions prescribed in this ordinance; and

WHEREAS, a public hearing was noticed and duly held on September 08, 2026, wherein public comment was received; and

WHEREAS, based upon the public input and comments received at the public hearing and based upon the considerable study of this matter by the Board of County Commissioners and the County Manager and staff, Perquimans County has determined that the property maintenance regulations set forth herein are necessary and beneficial to the same, and its citizens in that such regulations will provide for the abatement of the outlined nuisances; and

WHEREAS, the authority to enact such regulations is granted to the County of Perquimans pursuant to North Carolina General State Statutes 153A-121 and 153A-140,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Perquimans that:

Section 101. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning. The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the county limits is hereby declared to be dangerous and prejudicial to the public health of safety and to constitute a public nuisance:

- (a) Growth of weeds and grass. The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety. In no event may the grass or weeds on any portion of a lot located in a platted subdivision and not used for active farming or woodlands exceed the height of 12 inches;
- (b) Accumulations of rubbish, and the like. Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health;
- (c) Obstruction of drainage ways. The placement of rubbish, trash, yard debris, soil, vegetation, or other items impeding the flow of water and/or causing or threatening to cause the obstruction of drainage ways.

Section 102. Jurisdiction

The regulations contained herein as provided in N.C.G.S. 153A-121 shall govern all territory within Perquimans County, North Carolina, outside of the incorporated jurisdiction of any municipality. The municipality may authorize the provisions of this Ordinance to be applicable to the territory within the municipality by the adoption of a resolution by the governing body.

Section 103. Administration

The County Manager, or County Manager's designee, upon notice from any person of the existence of any of the conditions described as a nuisance shall cause to be made, by the appropriate county official, such investigation as may be necessary to determine whether such conditions exist as to constitute a public nuisance.

Section 104. Notice and Order to Abate

Upon determination that the conditions constituting a public nuisance exist, the County Manager, or County Manager's designee, shall notify, in writing, the owner, occupant, and/ or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 14 days from the receipt of such written notice. The written notice should also include the right to appeal the notice of abatement to the County Manager, or the County Manager's designee.

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.

Section 105. Appeal of Order of Abatement

At any time before the expiration of the abatement period the respondent may request a hearing before the County Manager, or County Manager's designee, to appeal the finding of the administrator that a public nuisance as defined by this chapter exists on the premises. The request for a hearing must be in writing and must be filed in the office of the County Manager. The County Manager, or County Manager's designee, shall fix a time for the hearing, and the initial abatement order shall be suspended pending such hearing. The hearing must be held by the County Manager, or County Manager's designee, within 30 calendar days following receipt of the request for hearing by the office of the County Manager. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the County Manager or County Manager's designee shall consider the evidence provided and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order. The decision of the County Manager, or County Manager's designee, may be appealed to the General Court of Justice as provided by G.S. § 153A-140.

Nothing in this article shall be construed to limit the legal authority and/or powers of officers of the county in enforcing other laws and/or in otherwise carrying out their duties.

Section 106. Abatement by County.

- (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 14 days from receipt of the order, the County Manager, or County Manager's designee, shall cause such condition to be removed or otherwise remedied by having an independent contractor go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the County Manager.
- (b) The actual cost incurred by the county in removing or otherwise remedying a public nuisance, including administrative costs, shall be charged to the owner of such lot or parcel of land and it shall be the duty of the County Tax Collector to forward, by certified mail, return receipt requested, 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 30 days from receipt thereof.
- (c) 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 above, 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. § 153A-140.

Section 107. Annual Notice to Chronic Violators of Public Nuisance Regulations

Under the provisions of G.S. § 153A-140.2, effective October 1, 2009, the county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county 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 and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

Section 108. Remedies

Any violation of this chapter is a misdemeanor as provided by G.S. §14-4, punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both fined and imprisonment. For a continuing offense, each day's violation is a separate offense. The remedies 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.

Section 109. Right of entry.

For the purpose of enforcing the provisions of this article, the Perquimans County enforcement officer or his designee(s) may at all times during regular business hours, Saturdays, and legal holidays excepted, enter upon any premises within the county's jurisdiction, other than within any building actually occupied for a residence, for the purpose of determining whether or not the provisions of this article are being violated or for the purpose of determining whether or not any notice by the county requiring the abatement of the nuisance has been complied with.

Section 110. Article cumulative.

Procedures set forth in this article shall be in addition to any other remedies that may exist under law or ordinance to the abatement of public nuisances.

Section 111. Separability

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or part thereof other than the part so declared to be unconstitutional or invalid.

Section 112. Effective Date

The provisions of this chapter shall be in full force and effect from and after the date of its adoption.

(SEAL)

Wallace Nelson, Chairman
Perquimans County Board of Commissioners

Rebecca T. Corprew, Clerk to the Board
Perquimans County Board of Commissioners