

MAYOR
Byron James McAllister

MAYOR PRO-TEM
Joe Scarboro

COUNCILMEMBERS
Amy West Whitley
Susan Parrish Watson
William Overby



**INTERIM
TOWN MANAGER**
Phillip McDaniel

TOWN CLERK
Dalton Larsen-Batten

TOWN ATTORNEY
Alan "Chip" Hewett

2024-028-O: AN ORDINANCE TO AMEND THE CHAPTER THIRTEEN OF THE CODE OF ORDINANCES OF THE TOWN OF SELMA

WHEREAS, Town of Selma staff has initiated text amendments to Chapter Thirteen of the Town Code of Ordinances to amend Sections 13-52, 13-55 and 13-59 within ARTICLE III. NUISANCES; and

WHEREAS, On October 28th, 2024, the Planning Board reviewed the amendments and unanimously voted to recommend approval as submitted; and

WHEREAS, On January 9th, 2025 the Town Council reviewed the formal amendments and unanimously voted to approve all proposals as submitted.

NOW, THEREFORE, BE IT ORDAINED THAT:

Section. 1. The Town of Selma Code of Ordinance is hereby amended to read as follows:

Chapter 13, Sec. 13-52. - Definitions.

- (a) For the purposes of this chapter, a "public nuisance" is a thing, act, occupation, or use of property or thing that:
- (1) Annoys, injures, or endangers the safety, health, comfort, welfare, or repose of any considerable number of persons;
 - (2) Without permission of the owner or the trustee thereof, interferes with, obstructs or tends to obstruct, or renders dangerous or hazardous for passage or use, any navigable water or public place;
 - (3) In any way renders any considerable number of persons insecure in life, physical safety, or in the use of property; or
 - (4) Adversely and unreasonably affects the community or neighborhood.
- (b) This section, as well as other sections of this Code, declares certain uses, actions, and activities to be public nuisances. It is the express intent of the town council that those declarations are in addition to, and not subject to, the generic determinations of public nuisances contained in and authorized by this section. Furthermore, none of the express declarations of public nuisances contained in this chapter or this Code are to, or shall be construed to be exclusive, or in any other way to limit the authority of the town to identify and abate public nuisances pursuant to town, county, state, or federal law.

- (c) For purposes of this division, "animal" means every organism of the animal kingdom, one (1) of the three (3) divisions into which natural objects have been traditionally divided, the others being mineral and plant. "Animal" includes, but is not limited to, any amphibian, bird, mammal, reptile, fish, or insect.
- (d) *Chronic violator* means a person who owns property where, in the previous calendar year, the city gave notice of a violation of the provision regarding overgrown and/or excessive vegetation at least three (3) times.
- (e) *Excessive Code Enforcement Violation* refers to two (2) things.
 1. If a fourth notice of violation is issued, that is deemed excessive.
 2. When a citizen *exceeds* the volume or amount allowed for a bulk pickup (12 cubic feet) by the Public Works department. Such excessive volume can be abated upon the original or first occurrence of the violation.

(Ord. of 7-9-02(1), § 1; Ord. of 7-12-16(1), § 1)

Chapter 13, Sec. 13-55. – Notice to abate.

Except in cases involving excessive vegetation as described in below chapters, whenever a nuisance is found to exist within the town, after the first notice to abate, the town manager or his designated officer shall issue a citation, ~~not to exceed fifty dollars (\$50.00)~~ **in accordance with the current Fee Schedule**, along with a written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance except as otherwise stated here in.

In cases involving excessive vegetation, the city manager or his designee may send an annual notice to chronic violators. After annual notice to a chronic violator, the city may take any action in this article to abate the nuisance and the costs shall be ~~a lien on the property in violation~~ **in accordance with the current Fee Schedule**.

(Ord. of 7-9-02(1), § 1; Ord. of 7-14-09(14), § 1; Ord. of 7-12-16(1), § 2)

Chapter 13, Sec. 13-59. – Payment of costs.

Upon completion of the abatement of any nuisance by the town under the provisions of this chapter, the designated officer shall ~~deliver to the town tax collector a statement including the actual costs incurred by the town in removing or otherwise remedying a public nuisance, including citation, inspection, and administrative expenses. The tax collector shall thereupon mail to the owner of the lot a bill covering the costs. As provided in G.S. 160A-193, the amount of the bill shall become a lien upon said property and if not paid within thirty (30) days shall be collected in the same manner as provided for the collection of delinquent taxes~~ **Town Finance Department will send an initial invoice to the property owner, if the cost is not paid within thirty (30) days past due notices are then sent to the property owner. If costs are not paid within ten (10) days, the overdue bills will be handled through the debt set-off procedures. For more information involving the debt-set off procedure please contact town finance department.**

(Ord. of 7-9-02(1), § 1)

Section 2. The Clerk is hereby authorized to insert such amendments into the official Code of Ordinances of the Town of Selma kept on file in the Office of the Clerk.

Section 3. This ordinance shall become effective upon adoption.

This is the 9th day of Jan., 2025.



Byron James McAllister
Byron James McAllister, Mayor

ATTEST:

Dalton Larsen-Batten
Dalton Larsen-Batten, Town Clerk