

MAYOR
Byron James McAllister

MAYOR PRO-TEM
Joe Scarboro

COUNCILMEMBERS
Amy West Whitley
Susan Parrish Watson
William Overby



TOWN MANAGER
Alexis Carter

TOWN CLERK
Dalton Larsen-Batten

TOWN ATTORNEY
Alan "Chip" Hewett

2025-022-O: AN ORDINANCE TO AMEND CHAPTER SIXTEEN AND CHAPTER THIRTEEN OF THE CODE OF ORDINANCES OF THE TOWN OF SELMA

WHEREAS, Town of Selma staff has initiated text amendments to Chapter Thirteen and Sixteen of the Town Code of Ordinances to allow more time for owner abatement and provide flexibility to Town Management; and

WHEREAS, On November 12, 2025, the Town Council reviewed the formal amendment(s) 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 described in **Exhibit A**.
- 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 12 day of NOV., 2025.



ATTEST:

Byron James McAllister, Mayor

Dalton Larsen-Batten, Town Clerk

Sec. 13-56. Contents of notice.

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

- (1) A citation not to exceed fifty dollars (\$50.00) for the first offense, along with an order to abate the nuisance within ten (10) days of notice. Each subsequent citation in any given calendar year shall be accompanied by an increased penalty by one hundred dollars (\$100.00); i.e., one hundred fifty dollars (\$150.00), two hundred fifty dollars (\$250.00), three hundred fifty dollars (\$350.00), etc.);
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance. In cases involving excessive vegetation on residential lots, the broadcast of herbicide shall not be considered an adequate corrective action demonstrating compliance or abatement. Such action will be subject to a citation not to exceed fifty dollars (\$50.00). This prohibition only applies to the use of herbicide on the majority part of any residential lot in response to a town-issued notice of violation, and does not apply to agricultural uses or targeted uses (i.e., around mailboxes, fence posts, etc.) or residential lots;
- (5) A statement that waives citation if the nuisance is abated within the allotted time;
- (6) A statement that if the nuisance is not abated as directed within the prescribed time, the town will abate such nuisances and assess the citation and cost thereof against such person.

(Ord. of 7-9-02(1), § 1; Ord. of 7-14-09(14), § 2; Ord. of 9-14-10, § 1; Ord. No. 2024-007-O, § 1, 3-12-24)

Sec. 13-57. Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law. The annual notice to abate excessive vegetation shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice shall also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused but the regular mail is not returned by the post office within ten (10) days after the mailing. If service only by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

(Ord. of 7-9-02(1), § 1; Ord. of 7-12-16(1), § 3)

Sec. 13-58. Abatement by town.

Upon the failure of the person upon whom in time notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the town manager shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor to go upon the premises and remove or otherwise abate such nuisance under the supervision of the director of public works and shall prepare a statement of costs incurred in the abatement thereof **including reasonable fees sufficient to cover the cost of administration pursuant to fees adopted by Town Council.**

(Ord. of 7-9-02(1), § 1)

Sec. 13-59. Payment of costs.

If compliance occurs after the second violation notice for which civil penalties have been incurred, the Town Manager shall have the authority to grant a one-time waiver of such penalties. Any subsequent fines, or any requests for relief from fines not resulting from a town administrative error, must be appealed to the Board of Adjustment in accordance with established procedures. Upon completion of the abatement of any nuisance by the town under the provisions of this chapter, the 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; Ord. No. 2024-028-O, § 1, 1-9-25)

Sec. 13-60. Criminal action; other civil remedies.

Violations of this division shall constitute a criminal liability. The procedure set forth in this division shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this division 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. In addition, except in those cases involving excessive vegetation as noted above, each day's violation shall constitute a separate offense, and upon conviction of said penalty, is punishable by a fine of fifty dollars (\$50.00) for each violation and violators shall be civilly liable for costs incurred by the town to abate said nuisances.

(Ord. of 7-9-02(1), § 1; Ord. of 7-14-09(14), § 3)

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Sec. 16-222. Violation; penalty.

- (a) When any condition in violation of this section is found to exist, the code administrator or such persons as may be designated by the town manager shall give notice to the owner of the premises to immediately abate or remove such conditions. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation. Any violation of this article shall automatically subject the offender to a civil penalty in the amount of twenty-five dollars (\$25.00) for the first offense. The written citation must be paid within seventy-two (72) hours.
- (b) Upon the failure of the person upon whom in time notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the town manager shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor to go upon the premises and remove or otherwise abate such nuisance under the supervision of the director of public works or his designee and shall prepare a statement of costs incurred in the abatement thereof.
- (c) Each day's continuing violation shall be a separate and distinct offense. Additional offenses subject the offender to larger civil penalties (not to exceed five hundred dollars (\$500.00)).
- (c) Notwithstanding subsection (a) of this section, provisions of this article may be enforced through equitable remedies issued by a court of competent jurisdiction.
- (d) Notwithstanding subsection (a) of this section, provisions of this article may be enforced through loss of recycling waste collection service privilege and/or additional fees for waste collection services.
- (e) If compliance occurs after the second violation notice for which civil penalties have been incurred, the Town Manager shall have the authority to grant a one-time waiver of such penalties. Any subsequent fines, or any requests for relief from fines not resulting from a town administrative error, must be appealed to the Board of Adjustment in accordance with established procedures.