

**AN ORDINANCE AMENDING CHAPTER 93
HEALTH AND SANITATION; NUISANCES**

BE IT ORDAINED by the Town Council of Sunset Beach that Chapter 93 – Health and Sanitation; Nuisances of the Code of Ordinances is hereby amended to read as follows:

§ 93.01 - PREMISES TO BE KEPT CLEAN; NOTICE OF VIOLATION.

- A. The growth of weeds, grass, undergrowth and other noxious growth on an unimproved lot or parcel of land ~~which abuts an improved or occupied lot~~ to a height in excess of 4 inches is hereby declared to be dangerous or prejudicial to the public health and safety. In addition, the placement or maintenance of any trash, building materials, scraps, tree trimmings or any yard debris in any alley, public place or private property within the town limits and ETJ, except yard debris that are bundled and placed at the curb for pickup, is hereby declared to be dangerous or prejudicial to the public health and safety
1. Every owner or other person in possession of a vacant lot or parcel of land within the Town limits or ETJ ~~which abuts or adjoins an improved or occupied lot or parcel of land~~ shall, between May 1st and May 31st and between September 1st and September 30th of each year, shrub down, within four (4) inches of the ground, all weeds, grass, undergrowth and other noxious growth from the lot in order to prevent a public health nuisance.
 2. In the event that the owner or other person in possession of the vacant lot or parcel fails to timely cut and shrub down the lot or parcel as required herein, the town shall cut and shrub down the lot or parcel in order to prevent the creation and existence of a public health nuisance.
 3. ~~The expense incurred by the town shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred and shall be collected as unpaid ad valorem taxes. In addition, the expense incurred shall constitute a lien on other real property of the person in default located within the town limits or within one mile thereof and shall be collected as a money judgment pursuant to state law.~~
- B. No person shall throw, place or deposit any trash, building materials, scraps, tree trimmings or any yard debris in any alley, public place or private property within the city limits and ETJ so as to create a public health or safety nuisance, except yard debris that are bundled and placed at the curb for pickup as follows:
1. Plastic trash bags are prohibited. Thirty (30) gallon brown paper lawn and refuse bags will be accepted. Thirty (30) gallon cans may be used in place of lawn bags.
 2. Limbs and branches cannot be longer than four (4) feet and must be bundled together with rope. Each bundle, can or bag cannot weigh more than fifty (50) pounds. It is unlawful to place yard debris at the curb for pickup if it is not bagged or bundled as herein provided. In addition, if the debris is not bagged or bundled as described herein, it will not be picked up.
 3. All yard debris must be placed at the street ~~for pickup no earlier than 2:30 pm on the day before pickup and no later than 7:30 am on the day of pickup.~~ In the event that the yard debris is contained in a reusable container, the container must be pulled back to the house and out of view by ~~2:00 p.m. on the day after pickup.~~
 4. It is illegal to place anything other than leaves, branches and limbs in the bags or cans for pick up. No trash, building materials, metal, plastic, rocks, carpet or wet garbage shall be placed in said bags or cans. If items other than leaves, branches and limbs are found in the bags or cans, it will not be picked up and said items must be removed from the curb and properly disposed of within 48 hours of notification by Town.
 5. In the event that subsection (4) hereof is violated resulting in damage to Town equipment or property, the offender shall be liable to Town for the damage to Town's equipment or property

in addition to other penalties or remedies provided to Town for violation of Town ordinances.

- C. In addition, if any person shall violate the provisions of **subsection (B)** above, it shall be the duty of the **Town Clerk** or his or her **designee** to give notice to the owner or person violating this **subsection** that, within 30 days ~~or sooner~~ from the date of that notice, all ~~weeds~~, trash, building materials, scraps, tree trimmings or any yard debris and other offensive animal or vegetable matter, shall be removed from the lot. Should any owner or person violating this **subsection** fail to comply with this notice, then the Town ~~Clerk~~ may proceed to have it removed **and the expense incurred by the town shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred and shall be collected as unpaid ad valorem taxes. In addition, the expense incurred shall constitute a lien on other real property of the person in default located within the town limits or within one mile thereof and shall be collected as a money judgment pursuant to state law.**

This the _____ day of _____, _____.

Town of Sunset Beach

BY: Mayor

ATTEST:

Clerk