Sanitation Ordinance Change: Litter & Nuisance Motor Vehicles

Planning, Economic Development, and Environment Committee

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Key Takeaways

- City processes are currently ineffective and inefficient for addressing some nuisance vehicle issues.
- An ordinance change to Section 15-1 of the solid waste code will improve staff efficiency and streamline communication with residents
- An ordinance change to Section 15-1 of the solid waste code will align City code language with North Carolina state statute language and provide additional tools for staff to address nuisance vehicles that pose sanitation issues
- The Sanitation Division will continue to collaborate with other City departments to comprehensively address nuisance issues that pose public health and safety risks

Background

- DSD code enforcement and Parking Services staff currently address some abandoned and nuisance motor vehicle issues via Chapter 10 of the City Code of Ordinances

- Sanitation code enforcement staff currently address litter on or emanating from public or private property, as well as overgrown lots, via Chapter 15
    - “Litter” includes waste material, cans, trash, debris, dead animals, and other improperly discarded materials

- At times, these issues overlap on or around the same private property

Challenges & Opportunities

Challenges

- Multiple departments visiting the same property and communicating with property owner to address an issue
- Limited enforcement tools in the code to encourage compliance
- Confusing communication with impacted residents

Opportunities

- Modify enforcement approach to:
  - streamline communication with both responsible party and impacted residents
  - enhance staff efficiency
  - expand enforcement tools to increase compliance
  - align City ordinance with NC General Statute

Proposed Ordinance Revision

- Redefine litter as follows (added language in blue):

  Litter. Any rubbish, waste material, cans, refuse, garbage, trash, debris, dead animals, nuisance motor vehicles, or discarded materials of every kind and description not handled or disposed of as set forth in this chapter, or any other litter, as defined by North Carolina General Statute section 14-399.
  .

- Add the term and definition of *motor vehicle or vehicle* into 15-1 as follows:

  Motor Vehicle or vehicle. All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

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Proposed Ordinance Revision

Add the term and definition of *nuisance motor vehicle* into 15-1 as follows:

Nuisance Motor Vehicle. **For purposes of this Chapter, a nuisance motor vehicle is a motor vehicle that is a nuisance because it meets either or both of the following two conditions:**

(1) The motor vehicle does not display a current license plate and:

a. Is partly dismantled or wrecked; or
b. Cannot be self-propelled and moved in the manner in which it originally was intended to move; or
c. Is more than five years old and appears to be worth less than $100.00

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Proposed Ordinance Revision

(2) **The motor vehicle meets any of the following conditions or any combination of these conditions:**

a. The motor vehicle is a or contains any breeding ground or harbor for mosquitoes, insects, snakes, rats, or other pests, or is being used for storage in a manner which may attract such pests;
b. The motor vehicle is a or contains any point of heavy growth of weeds or other noxious vegetation over eight inches in height;
c. The motor vehicle is a or contains any point of collection of pools or ponds of water;

Proposed Ordinance Revision

(2) ***(continued)***

d. The motor vehicle is a or contains any point of concentration or source of leaking of concentrated gasoline, oil, or other flammable, or explosive, or combustible materials including, but not limited to, boxes, paper, old clothes, rags, refuse, or any other combustible materials or objects of a like nature;
e. The motor vehicle is so situated or located that there is a danger of it falling or turning over;
f. The motor vehicle is or contains a source of danger for children through entrapment in areas that cannot be opened from the inside, or from exposed surfaces of metal, glass, or other jagged materials
g. The motor vehicle has or contains sharp parts that are jagged or contains sharp edges of metal or glass.

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Requested Action

Requesting the Committee recommend to Council the following:

Repeal ordinance Section 15-1 of Chapter 15 and replace it with a revised ordinance section to redefine the term '*Litter*' and to add definitions of '*Motor vehicle or vehicle*' and '*Nuisance motor vehicle*'.

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- An ordinance change to Section 15-1 of the solid waste code will align City code language with North Carolina General Statute language and provide additional tools for staff to address nuisance vehicles that pose sanitation issues.
- The Sanitation Division will continue to collaborate with other City departments to comprehensively address nuisance issues that pose public health and safety risks.