

**AN ORDINANCE REGULATING THE MAINTENANCE OF RIGHT-OF-WAYS WITHIN
THE CORPORATE LIMITS AS AUTHORIZED PURSUANT TO NORTH CAROLINA
GENERAL STATUTE 160A-296
O2012-04**

WHEREAS, pursuant to North Carolina General Statute 160A-296, the Town of Bermuda Run is authorized, to regulate the maintenance of town street edge lines, including right-of-ways abutting town streets; and

WHEREAS, the Town Council of the Town of Bermuda Run has taken into full consideration the recommendation of Town Staff and Legal Counsel to regulate the maintenance of town street right-of-ways; and

WHEREAS, the Town Council has concluded and here by declares that it is within the Town's authority and control to regulate the maintenance of town street edge lines, including right-of-ways abutting town streets;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bermuda Run that;

Section 1. Title.

This Ordinance shall be known and may be cited as "Maintenance of Right-of-Way Ordinance."

Section 2. Intent and Purpose.

It is the intent and purpose of this ordinance to regulate or abate acts, or conditions detrimental to the health, safety, or welfare of the citizens of Town of Bermuda Run in accordance with North Carolina General Statute 160A-174. It is further the intent and purpose of this ordinance to set forth the authority of the Town of Bermuda Run to regulate the maintenance of town street edge lines, including right-of-ways in accordance with North Carolina General Statute 160A-296.

Section 3. Jurisdiction.

The provisions of this ordinance are applicable to all properties, whether improved or vacant lands, which are located within the town of Bermuda Run's corporate limits, and extraterritorial jurisdictional areas, which are currently and may in the future be fixed.

Section 4. Maintenance of Right-Of- Way.

It shall be the duty of every person or entity occupying, owning or having control of property abutting a street or highway that utilizes a portion of the unused street or highway right-of-way as a yard or any other use to maintain said right-of-way in the same character and manner as the abutting use, which includes grassed and landscaped frontage of the property within the right-of-way.

Section 5. Abatement Procedure.

- (1) Notification. When any condition in violation of this ordinance is found to exist, the Town Manager, or person designated by the Town Manager, shall give notice, in writing, to the owner of the premise to abate or remove conditions within 15 days of receipt of such notice.
- (2) Failure to comply or abate. If the person or entity in violation of this section, after having been ordered to abate the condition resulting from the violation fails, neglects, or refuses to abate or correct the condition within 15 days from the receipt of the order, the Town Manager shall cause the condition to be corrected or removed.
- (3) Cost of abatement. The actual cost incurred by the town for correcting or removing the violation or otherwise remedying the condition plus \$50.00 civil penalty to offset administrative cost incurred by the town shall be charged to the person or entity responsible for the violation, and it shall be the duty of the Town Manger or his designee to mail a statement of such charges to the responsible party with instructions that such charges are due and payable within 30 days from the receipt thereof.
- (4) Failure to pay costs of abatement. In the even charges for the correction or abatement of the condition and civil penalty are not made within 30 days after the mailing of a statement of town charges as provided hereof, the Town Manger shall cause such charges to be collected in the nature of a debt, or if the violation occurred within a right-of-way or easement which borders the responsible person's or entity's property, the Town Manager shall cause such charges to become a lien upon the land or premises upon such property and shall be collected as unpaid taxes as provided in North Carolina General Statute 160A-193.


Section 6. Other Remedies.

The procedures set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law as stated in the Town of Bermuda Run's Civil Penalties Ordinance.


Section 7. This ordinance shall and does become effective as of December 11, 2012 and shall remain and continue to be in effect unless or until amended or repealed by the Town Council of Bermuda Run.

Adopted this the 11th day of December 2012

TOWN OF BERMUDA RUN

By: 
Kenneth A. Rethmeier, DrPH
Mayor

ATTEST:


H. Lee Rollins, Town Clerk