

**AN ORDINANCE AMENDING ORDINANCE 02-12 DEFINING AND
PROHIBITING NUISANCES WITHIN THE TOWN OF DUCK AND ADDING
TO CERTAIN CONDITIONS DECLARED NUISANCES.**

Ordinance No. 26-01

WHEREAS, pursuant to N.C Gen. Stat. §160A-174 a town may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, pursuant to N.C. Gen. Stat. §160A-193 a town has the authority to summarily remove, abate, or remedy everything in the town limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety.

NOW, THEREFORE, BE IT ORDAINED BY the Town Council for the Town of Duck, North Carolina as follows:

PART I: Section 1. of Ordinance No. 02-12 entitled AN ORDINANCE DEFINING AND PROHIBITING NUISANCES WITHIN THE TOWN OF DUCK is amended to read as follows:

Section 1. Certain conditions declared nuisances.

The existence of any of the following conditions on any lot, whether improved or not, or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) Growth of weeds and grass. The uncontrolled growth of noxious weeds or grass causing or threatening to cause a hazard detrimental to the public health or safety;

(B) Accumulations of animal or vegetable matter. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(C) Accumulations of rubbish and the like. Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health;

(D) Conditions violating Health Department rules. Any condition detrimental to the public health which violates the rules and regulations of the Dare County Health Department;

(E) Burned or partially burned buildings or structures. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Building Official can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;

(F) Storm or erosion damaged structures and resulting debris. The existence of any of the following conditions associated with storm or erosion-damaged structures or their resultant debris shall constitute a public nuisance:

(1) Damaged structure in danger of collapsing;

(2) Damaged structure or debris from damaged structures where it can reasonably be determined that there is a likelihood of personal or property injury; and

(3) Any structure, regardless of condition, or any debris from damaged structure which is located in whole or in part in a public trust area or public land.

(G) Structurally deteriorated, or storm damaged automobile service station canopies. Any automobile service station canopy with loose, unanchored or missing cladding, or fascia panels prone to progressive collapse, or structurally unsound members damaged by storms, vehicles or deterioration; and

(H) Improper discharge of water or other liquid onto adjoining or nearby property. The discharge or redirection of water or other liquid onto adjoining or nearby property in a manner that causes or threatens to cause damage to public or private property or a hazard detrimental to public health or safety. The term "improper discharge of water or other liquid onto adjoining or nearby property" includes, but is not limited to, the discharge, direction, or redirection of retained stormwater runoff, swimming pool water, or hot tub water—onto one or more adjoining or nearby property or properties, and/or onto private or public roads and easements. Upon a determination by the Town Manager or their designee that a person is engaging in the improper discharge of water or other liquid onto adjoining or nearby property in violation of this subsection (H),

(1) The Town Manager, or their designee, may immediately issue a notice of violation. Upon receipt of the notice of violation, the violator shall immediately cease and desist the activity which is in violation of this subsection (H). The Town may also take action to abate the violation.

(2) Upon a determination by a Town police officer that a person is engaging in the improper discharge of water or other liquid onto adjoining or nearby property in violation of this subsection (H), the police officer may

a. issue a cease and desist

b. take such action as is reasonably necessary to stop or terminate the improper discharge of water or liquid onto adjoining or nearby property(s) (with or without the assistance of additional Town employees).

c. fine the violator up to \$500 pursuant to N.C. Gen. Stat. §14-4;

d. charge the violator with a Class 3 misdemeanor pursuant to N.C. Gen. Stat. §14-4

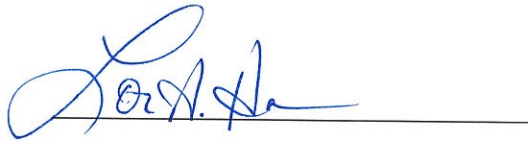
(I) Miscellaneous. Any other condition that is specified as a nuisance in the town's ordinances.

PART II. This ordinance shall be effective upon its adoption



Monica Thibodeau, Mayor

ATTEST:



Lori Ackerman, Town Clerk



Date adopted: February 4, 2026

Motion to adopt by: Brenda Chasen

Vote: 5 AYES 0 NAYS