



Town of Marshville Town Council Public Hearing/Work Session

Monday, November 16, 2020 7 pm
Marshville Town Hall, 118 East Union St., Marshville, NC
28103

PUBLIC HEARING AND WORK SESSION ARE ZOOM MEETINGS

Public Hearing

1. Call to Order/Invocation/Pledge of Allegiance
2. Open Public Hearing to Receive Public Comments on Changes to the Town of Marshville UDO
3. Comments from Public
4. Staff Discussion/Council Questions
5. Close of Public Hearing

Work Session

1. Meeting Call to Order
2. Adoption of Agenda
3. Discussion concerning Excessive Use Adjustment Rates
4. Discussion concerning Exercise Summary with Richard Flowe
5. Manager's Report
 - a. Information concerning Average Annual Daily Traffic
6. Council Member Comments
7. Adjournment of Meeting

Thanksgiving Holiday November 26th and 27th, Town Hall Closed

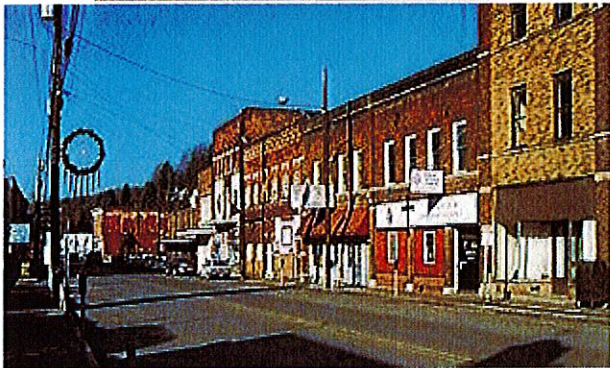
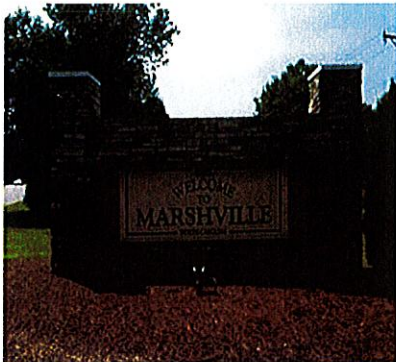
Christmas Tree Lighting December 4th

Regular Town Hall Meeting December 7th

Town Hall Work Session December 21st

Christmas Holidays December 23rd, 24th, 25th, Town Hall Closed

FINAL DRAFT



Town of Marshville, North Carolina
Nuisance Code (Main Street/Downtown)
October 2020

Town of Marshville, North Carolina

Downtown/Main Street District Nuisance Code

Chapter 1. – IN GENERAL and APPLICABILITY

The below prescribed regulations and policies are applicable to the Main Street Zoning District (Downtown) properties in accordance with the official zoning map of the Town of Marshville, North Carolina.

Section 1-1 – Described; Prohibited

(1) Anything that causes offensive odor or that causes injury or damage to the health or life of any other person or anything that interferes with the peaceful enjoyment of one's property is hereby declared a nuisance, as defined below.

a. All properties, including any adjacent/contiguous side-walks, streets, alleys, land, etc. to the property in question within the Main Street Zoning District, i.e. buildings and/or land must be in compliance (free/clear of any discarded material, solid waste, etc.) with the contents and provisions of this Code at all times.

b. All property owners will be given twenty-four hours upon violation notification to clear/clean property in violation of the Code or bring property into compliance. If the property owner is not in compliance and cannot be located at the time of the inspection, the authorizing official will place a violation notice or correspondence in a conspicuous location on the property.

(2) It shall be unlawful for any person to create a nuisance on a lot owned or occupied by them or to allow a nuisance to remain on a lot owned or occupied by them within Main Street Zoning District (downtown).

(3) The Town Council has found it necessary and desirable to promote or enhance:

(a) The quality of urban attractiveness and the aesthetic appearance of the Town's downtown/Main Street;

(b) The protection and promotion of the quality of downtown attractiveness and aesthetic appearance of the Main Street District;

(c) The preservation of the livability and attractiveness of neighborhoods;

(d) The promotion of tourism, conventions, and other opportunities for economic development for the Town;

(e) The attractiveness of the Town's thoroughfares and commercial roads which present the primary, public visibility to visitors and passers-by of the Town; and

Town of Marshville, NC – Nuisance Code
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(f) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of nuisances, or junk, as defined in this Chapter.

(g) The protection of property values throughout the Town;

Section 1-2 – Definitions

Abate / Abatement: To cause the violation on a property to cease by removal of nuisance materials, vehicles, etc.

Authorizing Official: The Town Manager, or its assigns, is designated to authorize the abatement of nuisances or removal of vehicles under the provisions of this Chapter.

Building Materials: Lumber, brick, stone carpet, plumbing materials, plaster, concrete, roofing, floor coverings, gutters or other materials or substances suitable for or commonly used in the construction or repair of houses, commercial buildings and other structures, driveways, fences, decks, landings, patios, porches or carports

Building Rubbish: Rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including but not limited to stones, brick, plaster, lumber, concrete, and waste parts occasioned by installations and replacements.

Chronic Violator: As defined in N.C.G.S Section 160A.200.1(d) is any person who owns property whereupon, in the previous calendar year, the Town gave notice of violation at least three times under any provision of this Chapter.

Combustible Refuse: Refuse, capable of incineration or burning, such as garbage, paper, rags, boxes and wood.

Dwelling: A building or portion of a building providing complete and permanent living facilities, including cooking and bathing facilities.

Garbage: Animal and vegetable refuse resulting from the handling, preparation, cooking, and consumption of food, including a minimum amount of liquid necessary incident thereto.

Harmful Insects: Mosquitoes, ticks, fleas and flies and other arthropods which can be living transporters and transmitters of a causative agent of a disease.

Junk: Any furniture, appliances, machinery, equipment, building fixture, automotive parts, tires, or other similar items which is either in a wholly or partially rusted, wrecked, dismantled, or inoperative condition.

Litter: Any discarded manmade materials, including, but not limited to, garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, or motor vehicle part, solid waste materials, industrial materials and hazardous waste, or discarded material in any form resulting from domestic, industrial, commercial, medical or agricultural operations.

Main Street Zoning District: A general zoning district as shown on the official zoning map of Marshville, North Carolina.

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Noxious: Injurious to physical or mental health and capable of causing harm.

Noxious Vegetation: Plants that cause dermatitis through direct or indirect contact or plants that cause internal poisoning if eaten or ingested including but not limited to poison sumac, poison ivy or poison oak.

Nuisance: Any condition that is dangerous or prejudicial to the public health or public safety.

Odor: The property of a substance or that creates a distinctive and unpleasant smell. A noxious odor is one that is injurious to physical or mental health and capable of causing physical harm, or negatively impacts the livability of surrounding properties or persons.

Open Place: A yard area, a vacant lot; a deck, landing, patio, porch or carport not totally enclosed by a roof, walls, screens or glass windows; or the parkway between the sidewalk and the street curb or pavement edge. The term does not include lands zoned for agriculture, wildlife sanctuary, or research farm.

Public Road/Street: Any street, road, or highway, including rights-of-way thereof, which is now or hereafter designated and maintained as a public road/street by the Town, the state Department of Transportation, or the United States Department of Transportation.

Solid Waste: More commonly known as trash or garbage- consists of everyday items used and then discarded such as product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, paint, and batteries, etc.

Weed: Any undesired, uncultivated plant.

White Goods: Residential appliances including, but not limited to, washing machines, clothes dryers, stoves, ranges, ovens, refrigerators, freezers, dishwashers, commodes, sinks and water heaters.

Yard Waste: Grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials which are generated in the maintenance of yards and gardens.

Section 1-3 – Nuisances Prohibited (Enumeration)

Any of the following enumerated and described conditions occurring in an open place, or on public or private property is hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Town of Marshville Main Street Zoning District and is found, deemed, and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. Every such nuisance shall be abated pursuant to the abatement procedures as provided in Sections 1-4 through 1-7 of this Chapter.

(1) The accumulation and existence of stagnant water, trash, debris, junk, or other noxious vegetation or material upon any lot or part thereof within the corporate limits of the Town of Marshville.

(2) Any place of dense growth of weeds or grasses, other than ornamental grasses, over eight inches in height.

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- (3) The storage outside of any building or dwelling in a place accessible to children of any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, or lock which may not be released from opening from the inside of such icebox, refrigerator, or container.
- (4) Any condition which creates or provides a breeding ground or harbor for rodents, harmful insects, or pests.
- (5) A collection point or ponding of stagnant water with conditions causing, or likely to cause, mosquitoes or other harmful insects to breed.
- (6) Any concentration of combustible refuse.
- (7) Any concentration of building materials or building rubbish which are not suitable for building construction, alteration, or repair, or any concentration of building materials which becomes a focal point for any other nuisance enumerated in this Chapter.
- (8) Any concentration of collection of garbage, animal waste, yard waste, or any rotten or putrescible matter of any kind which is not maintained for collection. Nothing in this Section shall be construed to prevent the generally accepted use of a properly maintained compost pile sited in the side or rear yard area being used for fertilizer for lawns and gardens or other agricultural or horticultural purposes, unless such concentration becomes a focal point for any other nuisance enumerated in this Chapter.
- (9) Household or office furniture, any household fixtures, white goods or appliances, metal products of any kind and similar items not designed to withstand the elements or for outdoor use. This subsection shall not prevent:
 - (a) The use of household furniture on a totally enclosed porch having roof, walls, screens, or glass windows; or
 - (b) The use of furniture in good condition which is designed for outdoor use such as a patio or lawn furniture on porches or landings or in yard areas or other open places.
- (10) Any junk or concentration of litter.
- (11) Any other condition specifically declared to be a danger to the public health, safety, morals, and general welfare of the inhabitants of the Town of Marshville and a public nuisance by the Town Council or the Council's Authorizing Official.
- (12) Any accumulation of solid waste, litter, discarded trash or related material as determined by the authorizing official in the downtown area (Main Street District as listed on the adopted Town of Marshville Official Zoning Map).
- (13) Sidewalks, streets, allies, and/or related areas adjacent to properties (residential and non-residential properties) in the downtown (Main Street Zoning District based on the official zoning map of Town of Marshville), and city limits, shall be free of any discarded trash, liter, solid waste, junk, garbage, junk, etc.

Sec. 1-4 – Notice of Nuisance; Abatement Procedures

It shall be the duty of any owner, lessee or occupant of any lot or land to maintain said lot or land in such a condition that none of the nuisances enumerated in Section 1-3 of this Chapter are allowed to exist or persist on public or private property, or in an open place. Following an inspection by the Authorizing Official, when any enumerated nuisance is found to exist on any property or open place, the following procedure shall be followed:

(1) The Authorizing Official shall attempt to notify the owner of the premises where the nuisance is located that:

(a) The conditions identified in the notice of violation exist which constitute a public nuisance; and,

(b) The Code provision(s) identified by Code section number are violated by the stated conditions on the property; and,

(c) Unless the public nuisance is abated within twenty-four hours (one full day following the inspection by the Authorizing Official or his designee), and,

(d) the Authorizing Official will initiate the procedures to abate the conditions constituting a nuisance; and,

(e) The cost of nuisance abatement shall constitute a lien against the premises. The cost will include the actual cost of the nuisance abatement itself (including, but not limited to any Attorneys' fees, recording fees, and any other related fees as a result of the abatement) in addition to a One Hundred and Seventy-Five Dollar (\$175.00) administrative fee.

Section 1-5 – Appeal

(1) Within the twenty-four hours or one full calendar day from the notification of the violation in Section 1-4(1)(c), the owner of the property where the nuisance exists may appeal the findings of the Authorizing Official made pursuant to Section 1-4(1)(a) by giving written notice of the appeal to the Authorizing Official. The appeal will stay the abatement of the nuisance by the Authorizing Official until a final determination by the Town Council, unless the nuisance presents an imminent and substantial threat to human or safety. In the event no appeal is taken, the Authorizing Official may proceed to abate the nuisance.

(2) Town Council, in the event that an appeal is taken, may, after hearing all interested persons and reviewing the findings of the Authorizing Official, reverse the findings made pursuant to Section 1-4(1)(a); but if the Town Council shall determine that the findings of the Authorizing Official made pursuant to this Chapter are correct, it shall adopt an ordinance specifically declaring the condition existing on the property to be a danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Town and a public nuisance and directing the Authorizing Official to cause the conditions to be abated.

Section 1-6. - Abatement by town.

If the person upon whom the notice provided for in this Chapter is served fails, neglects or refuses to correct the nuisance cited pursuant to Section 1-4 or if no person can be found in the Town who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the Authorizing Official may cause such nuisance to be abated.

Section 1-7 - Recovery of Town's cost of abatement

The expense of the action to abate a nuisance shall be paid by the person in default. If the expense is not paid, a lien is placed on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

Section 1-8 – Annual Notice to Chronic Violators

(1) Pursuant to N.C.G.S 160A-200.1, the Town of Marshville Authorizing Official shall notify a chronic violator of this Chapter that, if the violator's property is found to be in violation of this Chapter, the Town shall, without further notice in the calendar year, take action to remedy the violation, and the expense shall become a lien upon the property and shall be collected as unpaid taxes.

(2) This annual notice shall be sent registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may 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 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

Section 1-9 – 1-24 Reserved

Town of Marshville

Exercise with Mayor & Town Council

October 19, 2020

An exercise to identify leadership's current values was conducted in open session on October 19, 2020. The group session is designed to gain first impressions of four perspectives: both a positive & negative of the present, then a positive & negative about the future.

THE PRESENT... "LIKES":

What is it we like about the community, about Marshville?

- Small Town
- Low Crime
- Schools
- Friendliness
- Mild Traffic
- Character
- Mom & Pop Businesses

THE PRESENT... "DISLIKES":

What is it we dislike about the community, about Marshville?

- Trash/litter
- Lack of Curb Appeal
- Not Enough:
 - Sidewalk
 - Community Involvement
 - Restaurants
 - Shopping
 - Downtown Identity
 - Town Identity
- Too Much Rental Property (all categories)

THE FUTURE... "WISHES":

What is it we wish for the community in the future, about Marshville's future?

- Walkable
- Big Community Center with Our Public Offices
- Become a Destination
- Control of Our Water & Sewer Systems, Control of Our Destiny
- Curb Appeal
- Park Expansions & New Mini-parks
- Festivals
- Medical/Urgent Care

THE FUTURE... "FEARS":

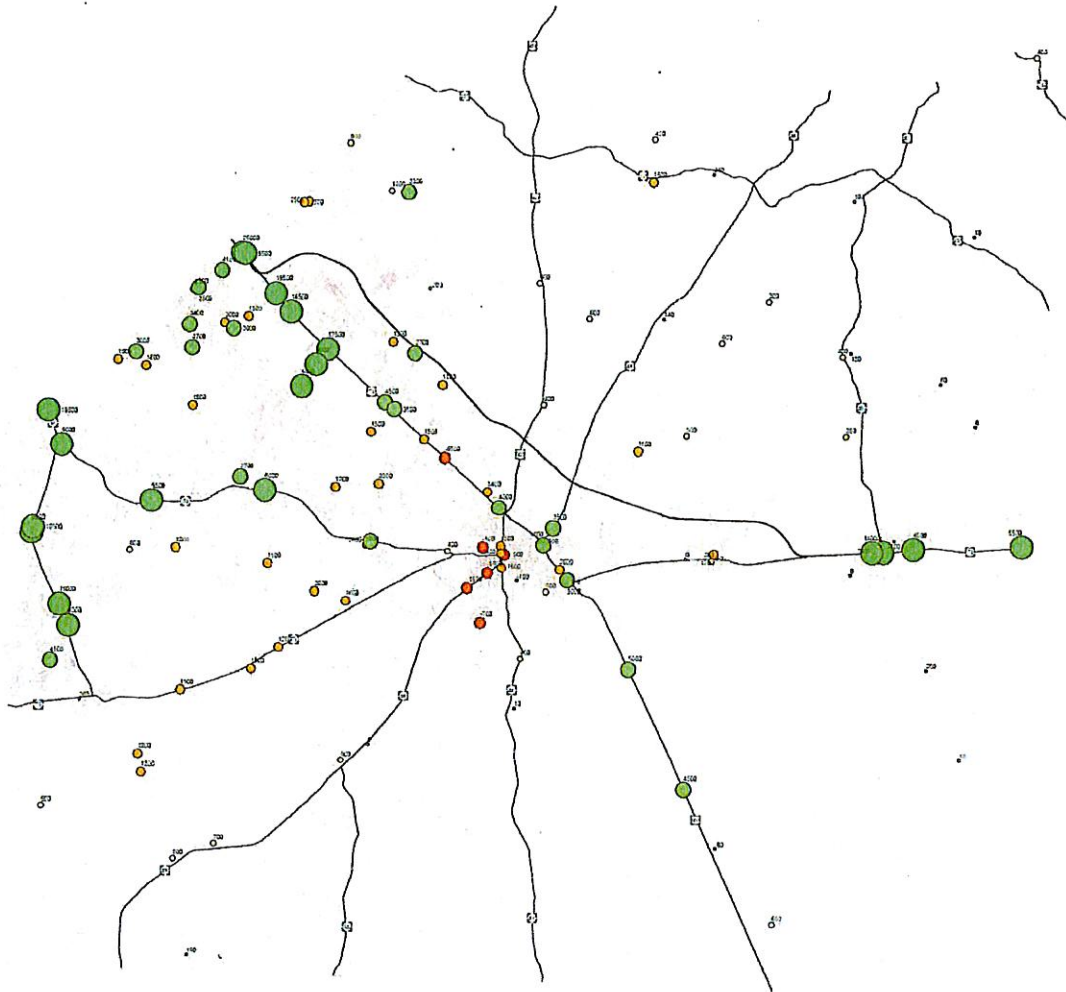
What is it we fear for the community in the future, about Marshville's future?

- Not Enough Policing
- Growing too Fast
- Not a Quality Tax Base from Growth
- Crime
- Lack of Identity

This process culminated in a discussion leading to a clear perspective on how to begin now to address these values. Discussion followed regarding the ability for the MDO to provide the foundation for these objectives through effective administration that identifies opportunity for success and to strive for the ***5-win scenario – citizens, businesses, environment, leadership & those seeking to invest in our community.***

Conducted by: F. Richard Flowe, AICP

Union County 2009-2019 Change in Average Annualized Daily Traffic (AADT)



2009-2019 Change

- -6,500 - -250
- -249 - 250
- 251 - 1,000
- 1,001 - 2,500
- 2,501 - 5,000
- 5,001 - 25,000

Note: Traffic counts are collected by the NCDOT Transportation Planning Division-Traffic Survey Unit. These data represent changes in Average Annual Daily Traffic (AADT). Caution should be used when inferring traffic rates for specific periods, as traffic levels vary by time day of the week, and time of the year. Please contact the Traffic Survey Unit at (919) 212-4545 for assistance with interpreting these data.

