



# Town of Waco



## Town of Waco Community Appearance Code

### Section 100. Authority

This Community Appearance Code is enacted pursuant to North Carolina General Statute 160A-193 and applied within the corporate limits of the Town of Waco.

### Section 200. Definitions

1. **Street:** The word “street” shall embrace streets, avenues, roads, alleys, lanes, bridges, alleyways, sidewalks lying within the street right-of-way and all other highways.
2. **Owner:** The word “owner” shall be applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant by entirety, of the whole or a part of such a building or land.
3. **Person:** The word “person” shall extend and be applied to associates, firms, partnerships, and bodies polite and corporate, as well as to individuals.
4. **Sidewalk:** The word “sidewalk” shall mean any portion of the street between the curb and adjacent property line.
5. **Junk:** The word “Junk” shall mean any materials that would create a littered condition.
6. **Household furniture:** The phrase “Household furniture” shall mean furniture such as sofas, stuffed chairs and mattresses, which are not designed to withstand the elements and outdoor use.
7. **Political Signs:** The phrase “Political signs” shall mean advertising signs that can be placed on a street-facing lawn or elsewhere on a property to express the support for an election candidate or political position.
8. **Yard sale:** The word “Yard Sale” shall mean the sale of personal property conducted in or near a residence undercover, partially undercover or completely outside any building in the opening. Terms shall include:

garage sale, patio sale, rummage sale, yard sale or other similar sales which are advertised by signs or other means for the public to attend.

9. **Yard Sale sign:** The phrase “Yard sale sign” shall mean a temporary sign used to advertise an organized sale by an individual or individuals at a specific location, date and time.
10. **Advertising signs and Banners:** The phrase “Advertising sign or Banner” shall mean a sign or banner that directs attention to a business, service or commodity.
11. **Garbage:** The word “garbage” shall mean general household refuse.
12. **Recycling:** The word “recycling” shall mean the process of converting waste materials into new materials and objects.
13. **Yard waste:** The phrase “Yard Waste” shall mean brush, tree and shrub trimming, limbs, leaves and grass trimmings.
14. **Occupants, Tenant:** The word “Occupant” or “tenant”, applied to a building or land shall mean any person who holds a written or oral lease or who actually occupies the whole or part of such building or land, either alone or with others.
15. **Community Appearance Code Commission:** The “Community Appearance Code Commission” is an entity that consist of any two (2) of the elected town officials of the Town of Waco and three (3) voluntarily appointed citizens and residents of the Town of Waco.
16. **The Town:** Officers, employees or representatives of the “Town of Waco”.

## **Section 300. General Requirements**

### **301. Duties of Owners and Occupants; cutting and removal of vegetation**

It shall be unlawful for the owner and/or occupant of a property to fail to cut grass, weeds, and other overgrowth vegetation on the property when the grass, weeds, and other overgrowth vegetation is at a greater height of one foot on the average or to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which situations is hereby declared to be a nuisance.

It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with provisions of this code.

Vacant lots adjacent to occupied property shall be cut in their entirety at least four times per year as required during the mowing season (April – September).

This provision shall apply only to property which directly abuts a town street, state road or county road.

It is hereby declared a nuisance to permit the growth of shrubs, vines or other vegetation on one's business or residential lot in such a manner as to allow such shrubs, vines or other vegetation to become a breeding place for mosquitoes, a refuge for rats and snakes, a collecting place for trash and litter, or a fire hazard. It shall be the duty of the owner to trim, cut or remove all shrubs, vines or other vegetation as often as necessary so as to comply with this section. This subsection does not apply to lots shrubs, vines or vegetation as a wall or barrier as long as such does not become a nuisance.

### **302. Unauthorized Accumulations**

It shall be unlawful for any person to scatter, cast, throw, blow, place, sweep, or deposit anywhere within the town any leaves, grass clippings or any other debris from their premises in such a manner that it may be carried or deposited upon any street, sidewalk, alley, body of water, sewer, parkway, lot, public property and private property. Any unauthorized accumulation of leaves, grass clippings or any other debris is hereby declared to be a public nuisance and is prohibited.

This section shall not apply to the accumulation of leaves along a curb line of a public right-of-way for the purpose of collection by a private leaf / debris collection contractor.

### **Section 303. Junk General**

It shall be unlawful for any person to have on their premises materials that would create a littered condition such as dilapidated machinery, equipment, appliances, furniture, automobile parts, tires, building materials or other items which are wholly or partially rusted, dismantled, or in an inoperative condition any one of which situations is hereby declared to be a nuisance.

#### **Section 303.1 Abandoned or Junked Motor Vehicles**

It shall be unlawful for any person to have on their premises abandoned or junked motor vehicle that is:

1. Partially dismantled or wrecked; or
2. Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
3. More than 5 years old and appears to be worth less than \$100.00; or
4. Does not display a current license plate.

Any abandoned or junked motor vehicle found to meet these criteria is hereby declared to be a nuisance.

This section does not apply to an established or permitted car sales, maintenance or repair business.

### **Section 304. Household Furniture**

Household furniture such as sofas, stuffed chairs and mattresses, which are not designed to withstand the elements and outdoor use shall not be permitted to be placed on porches, accessory structures, yards, and landings. Such furniture may provide a location where insects, rodents, or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the storage of such household furniture on a totally enclosed porch having a roof, walls, screens, or glass windows. These such conditions are hereby declared to be a public nuisance and is prohibited.

### **305. Political Signs**

The Town of Waco hereby adopts the Political sign requirements pursuant to North Carolina General Statute 136-32 "Regulations of Signs. SECTION 1. G.S. 136-32 reads as rewritten: "§ 136-32. Regulation of signs. ... (b) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163A-1300 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (d) of this section and must be removed by the end of the period prescribed in this subsection. Any political sign remaining in the right-of-way of the State highway system more than 30 days after the end of the period prescribed in this subsection shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty. ... (f) Application Within Municipalities. – Pursuant to Article 8 of Chapter 160A of the General Statutes, a city may by ordinance prohibit or regulate the placement of political signs on rights-of-way of streets located within the corporate limits of a municipality and maintained by the municipality. Any such ordinance shall provide that any political sign that remains in a right-of-way of streets located within the corporate limits of a municipality and maintained by the municipality more than 30 days after the end of the period prescribed in the ordinance is to be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty. In the absence of an ordinance prohibiting or regulating the placement of political signs on the rights-of-way of streets located within a municipality and maintained by the municipality, the provisions of subsections (b) through (e) of this section shall apply." SECTION 1.5. (a) G.S. 163A-1046 is amended by adding a new subsection to read: "(d) The county board of elections shall ensure that each precinct voting place permits candidates at least 36 hours prior to the opening of the voting place and at least 36 hours after the close of the voting place, as provided in G.S. 163A-1130, to place and retrieve political advertising. Any political advertising placed outside the times specified in this subsection may be removed by the

property owner. Any political sign that falls outside of the conditions of this section is hereby declared to be a public nuisance and is prohibited.

**Section 306. Yard Sale signs**

- a. Signs shall be located on private property and signs located away from the sale site shall have permission from property owner.
- b. Signs are not allowed on utility poles, in easements, on public fences or buildings.
- c. Signs should be placed at least 3 feet from the edge of pavement or on the property owners' side of an existing sidewalk.
- d. Signs should be placed so that visibility at intersections is not obscured.
- e. Signs should be placed so that they do not obscure another sign.
- f. All signs must have the time, date, and place of the sale written on the sign.
- g. Signs shall be posted no earlier than 15 days prior to the sale and must be removed within 24 hours following the posted end of the sale.
- h. Signs should be no larger than ordinary poster paper, 24" X 36"

Any Yard Sale sign that falls outside of the conditions of this section is hereby declared to be a public nuisance and is prohibited.

**Section 307. Advertising Signs and Banners**

A sign or banner which directs attention to a business, commodity, service or not conducted, sold or offered on the premises where the sign is located are permitted with the following stipulation's:

- a. Advertising signs and banners shall be located on private property and signs located away from the sale site shall have permission from property owner.
- b. Advertising signs and banners should be placed at least 3 feet from the edge of pavement right-of-way or on the property owners' side of an existing sidewalk.
- c. Advertising signs and banners should be placed so that visibility at intersections is not obscured.

- d. Advertising signs and banners should be placed so that they do not obscure another sign.

Any Advertising sign or Banner that falls outside of the conditions of this section is hereby declared to be a public nuisance and is prohibited.

### **Section 308. Sidewalk access**

The Americans With Disabilities Act (ADA) requires that sidewalks be accessible, which means there must be a minimum clear width to get around any obstruction.

- a. It is unlawful for any person, persons, firm, company or corporation to place any stick, pole, post, stone, box or any other article of whatsoever kind or character, upon or across any of the sidewalks of the town in such a manner as to obstruct the free and unobstructed use of the sidewalks for pedestrians to traveling.
- b. Citizens are expected to place trash and recycling containers out for collection in a manner as not to obstruct sidewalk access.
- c. No person shall drive any vehicle other than by human power upon a sidewalk.
- d. Bicyclists and skateboarder's riding on a sidewalk must yield the right of way to pedestrians.
- e. This section does not apply to motorized wheelchairs or any maintenance equipment being utilized to clean or edge sidewalks.

### **Section 309. Garbage and Recycling Program**

The Town of Waco contracts with a third-party garbage and recycling service for its residential roll-out cart program for both garbage and recycling. All single-family households are provided with two carts; one blue garbage cart and one recycling cart (with a light blue lid). There is no charge for your first cart. The carts are 96 gallons and should hold a normal family's waste between collections. A second trash container is available for a monthly fee billed to you directly by the third-party garbage and recycling service. To order an additional trash container the home owner needs to contact the third-party garbage and recycling service directly.

- a. Garbage collection is weekly and serviced on Monday's. Recycling collection is every other week on the same day as garbage collection. The calendar which lists the week for recycling collections is posted in the "Ordinance section" of the Town of Waco website at [www.townofwaco.com](http://www.townofwaco.com).

- b. Containers should be at the curb by 6:30 AM on your scheduled service day and off the curb by the end of the day. The wheels on your cart should face your home and carts should be at least 3 feet from mailboxes, posts and from each other to allow for mechanical collection. Please do not place containers on the sidewalk or in the street in such a manner as to obstruct pedestrian movement or traffic flow.
- c. Acceptable items for curbside Recycling pick up (June 2019): Plastic Bottles (with necks only) - like a water bottle, or milk jug, Milk cartons and Juice Boxes, Empty Aerosol Cans, Aluminum & Steel Cans, Cereal Boxes (Boxboard), Cardboard Boxes (no larger than 3' x 3'), Pizza Boxes (Clean, no food or liners), Magazines, Glass bottles & Jars, Paper & Junk Mail (including brown bags, high-grade paper), Newspaper.
- d. Non acceptable items for recycling are: Plastic items (besides Plastic Bottles with Necks), plastic bags, shredded paper, ceramics, pots & pans, household glassware, paper plates, napkins, batteries, light bulbs, wire coat hangers, photos, food, scrap metal, auto parts, plastic wrap, clothing & textiles, Televisions, electrical cords and garden hoses.
- e. In addition, no hazardous waste or commercial medical waste, may be put in the recycling containers. Critically Unacceptable Items include: Propane Tanks, Oxygen Tanks, Tires, Televisions, Scrap Metal & Hoses.
- f. There are some items that are listed as recyclable but cannot be recycled in your personal bins. For example, plastic bags. These can be recycled at your local grocery store. Click the following, on how to recycle plastic wrap and plastic bags: <https://youtu.be/ejjae87xV7w>

### **Section 310. Yard Waste**

The Town of Waco does not provide yard waste collection. It is the responsibility of each property owner to maintain and dispose of their individual yard waste themselves or by a third-party collection's contractor. Failure to dispose of any waste properly is hereby declared to be a public nuisance and is prohibited.

### **Section 400. Administration and Enforcement**

#### **Section 401. Membership**

- a. The Town of Waco Community Appearance Code Commission shall be made up

of two (2) of the duly elected members of the Town Board and three (3) citizens and residents of the Town of Waco. Members shall be appointed by a unanimous vote of the Town Board and will serve for a period of two (2) years from appointment.

- b. Vacancies occurring for reasons other than the expiration of terms shall be filled as they occur for the period of the unexpired term.
- c. In making appointments to the Community Appearance Code Commission, the mayor shall, upon approval of the town board, seek to appoint persons who possess qualities of impartiality, maturity, and broad judgment, and in whom the community at large may be expected to have confidence. Appointments shall be made in such a way as to maintain on the community appearance code commission at all times members who have had special training or experience in a design profession, if such persons are available.
- d. Members may be reappointed to the Community Appearance Code Commission upon the expiration of terms. They may be removed from the Community Appearance Code Commission by the Town Board for due cause. Faithful attendance at the meetings of the Community Appearance Code Commission and conscientious performance of the duties of members shall be considered a prerequisite for continued membership on the commission.
- e. Members of the Community Appearance Code Commission shall serve without pay, but may be reimbursed for actual expenses incident to the performance of their duties within the limits of funds available to the commission.

#### **Section 402. Notice**

Whenever it should come to the attention of the Community Appearance Code Commission that there exist on any lot, parcel of land, residence or other building within the town limits violating any of the conditions enumerated in this Article, a meeting of the commission shall be called to discuss the concern. If found to be a legitimate complaint the Community Appearance Code Commission shall forthwith give the owner or occupant thereof Notice, served upon such owner or occupant in person, by certified mail and with return receipt requested of if service by mail cannot be had after a reasonable attempt is made, then the Notice shall be served posting the Notice on the property. The owner and/or occupant shall have fourteen (14) days from the receipt or posting of the Notice to correct the situation. After fourteen (14) days, if the violation still exist, the Town shall be authorized to remedy the violation in accordance with the provisions outlined herein.

#### **Section 403. Abatement by the Town**

If the person upon whom such Notice is served fails, neglects, or refuses to



remedy the condition constituting a nuisance within the time permitted, the Community Appearance Code Commission shall cause such condition to be remedied.

**Section 404. Right-of-Entry**

Officers, employees or representatives of the Town shall have the authority to enter upon the property to issue a Notice of Violation, to enter upon or authorize an agent to enter upon and clean up the premises if there is no compliance with the Notice of Violation, and file a lien against the property in the event that the Town seeks to secure the cost of bringing the property into compliance with this Code through the collection of cost as unpaid taxes.

**Section 405. Assessment of Collection of Town's Cost**

The Town shall impose a cost of Sixty Dollars per hour per person needed to remedy any condition under this Article with a minimum cost of Sixty Dollars for each occurrence remedied. In addition, the Town shall include any cost incurred by the Town including the employment of any private contractor in remedying any condition under this Article; and such cost shall be paid by the owner or occupant of such lot, parcel of land, residence or other buildings and, if not paid, shall be a lien upon the lands of premises where the nuisance was declared to be and shall be collected as unpaid taxes.

Further, the Town may apply to the appropriate court for an injunction and order of abatement which would require that a violator correct any unlawful condition relating to this code on such person's property.

**Section 500. ET. Seq. reserved for further Codification.**

This ordinance adopted by a vote of the Town of Waco Board of Aldermen this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Town of Waco, North Carolina

\_\_\_\_\_  
John Barrett, Mayor

(Municipal Seal)

Attest:

\_\_\_\_\_  
Tiffany Lott, Town Clerk

