

Code Enforcement - Nuisance Abatement Procedure

Step 1. Preliminary Findings, Issue Notice of Violation with Deadline

Whenever the Code Enforcement Officer (CEO) has determined that the conditions on a particular lot or parcel of land are a nuisance and should be abated or otherwise corrected, the CEO shall give notice to the owner, lessee or other person in possession of the premises in writing setting forth the findings and describing the appropriate corrective action. The CEO may establish a deadline, not to exceed sixty (60) days, for the abatement of the nuisance.

Step 2. Order to Remove, Warning of Possible Citation

Upon investigation and discovery of any of the conditions deemed a nuisance remain, the code enforcement officer shall make a written report of his findings and may order that appropriate corrective action be taken, including the removal or abatement of such conditions by the person creating the nuisance or by the owner, occupant or other person in possession of the premises on which the nuisance is located. Prompt abatement is required within 10 days from the receipt of such written notice.

Owner Options for Appeal

Step 3. Code Enforcement Officer Issues Citation with Deadline

Any violation of the articles of this chapter that exist after the deadline established in the Warning of Citation shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00). Violators shall be issued a written citation which must be paid within seventy-two (72) hours of receipt. Such citation shall be served by either first class mail, personal service or posted at the front door. Any of these methods of service shall be conclusively presumed to be valid, and no owner or occupant shall refuse service of the citation.

Step 3. Penalties for Exceeding Citation Deadline

Each day's continuing violation shall be considered a separate and distinct offense. Meaning the daily \$50 fine will continue to accrue.

Step 4. Removal By Town

If any person, having been ordered to abate a public nuisance pursuant to this chapter, fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of such order, the designee may cause such condition to be removed or otherwise remedied by having employees of the Town or contracted work go upon such premises and remove or otherwise abate such nuisance under the supervision of an official or employee designated by the code enforcement officer.

Step 5. Cost of Abatement Declared Lien.

The actual cost incurred by the Town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the finance department or public services department to mail a statement of such charges to the owner or other person in possession of such premises, with instructions that such charges are due and payable within 30 days from the receipt thereof. If charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes

Owner Appeal

Within the time period stated in the notice to abate, the owner or occupant of the property where the nuisance exists may appeal the findings of the code enforcement officer to the Board of Adjustment (BOA) by appearing before the BOA at the appeal hearing date and time given on said notice. The abatement of the nuisance will be postponed by the code enforcement officer until the final determination for the appeal is made by the BOA. The BOA will need to make a 4/5 finding to overturn the code enforcement officer's ruling. In the event no appeal is taken within the time period stated to abate, the code enforcement officer may proceed to abate the nuisance.