

Nuisance Abatement Options

I. What is objective?

- Solve one or two problems every 5 – 10 years?
- Solve one or two problems every year or two, or more frequently?
- Establish a process to avoid having the problem in the first place?

II. What is the problem, and how bad is it?

- Weedy/trashy lot, but dwelling is reasonable (or there is no dwelling)
Solution: G.S. 160A-174(a) (General nuisance abatement)
- Catastrophic/Emergent Problem
 - Chemical spills, fires, floods, tornadoes**Solution: G.S. 160A-193 (Imminent threat)**
- Abandoned vehicle on property
Solution: G.S. 160A-303.2 (Abandoned/junked vehicles)
Also zoning prohibition (No auto salvage yards)
Also G.S. 160A-174(a) (General nuisance abatement)
- Dwelling can be saved (Deteriorated)
 - Excessive water infiltration
 - Exposed electrical
 - Rotten structural issues**Solution: G.S. 160D-1201(a) (Minimum Housing Code)**
- Commercial structure can be saved (similar to Deteriorated)
Solution: G.S.160D-1201(b)(Adopt to make applicable to commercial)
OR G.S. 160D-1129 (Commercial Maintenance)
- Dwelling needs a lot of work (Dilapidated)
Solution: G.S. 160D-1201(a) (Minimum Housing Code)
OR G.S. 160D-1117 (But beef up process)
- Commercial structure needs a lot of work (Dilapidated)
Solution: G.S. 160D-1201(b) (Adopt to make applicable to commercial)
OR G.S. 160D-1129 (Commercial Maintenance)
OR G.S. 160D-1117 (But beef up process)
- Dwelling cannot be saved
 - Roof or considerable part has been missing for years
 - Walls and/or foundation rotten**Solution: G.S. 160D-1201(a) (Minimum Housing Code)**
OR G.S. 160D-1117 (But beef up process)
- Commercial structure cannot be saved
Solution: G.S. 160D-1201(b) (Adopt to make applicable to commercial)
OR G.S. 160D-1117 (But beef up process)

Resolving Nuisance Issues

1. COMMUNICATE WITH OWNER
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2. Have written framework in place so Owner can see the process
3. Find creative solution to provide incentive for Owner to comply with process
 - By Agreement, the Parties can do most anything:
 - Can Town demolish cheaper with its own staff/equipment?
 - Can Owner only afford a certain amount each month or year?
If so, record the lien, but don't foreclose and work out a payment plan
 - Can the Owner sell the property to someone who can afford to demolish or rehab?
If so, install tape or fence (whatever to keep safe), and give the Owner a reasonable amount of time to sell. Then enter into an agreement with the New Owner.
 - If no buyers, can the Owner donate the property to a third party (local non-profit, etc.)? Worst case, doesn't it make sense to donate to the Town?
Non-profits and Town qualify as donations for tax purposes.

The objective is to keep the Town safe, and put the compliance expense on others

4. When all else fails, work through the legal process:
 - A. A few demolitions every few years: Adopt provisions to incorporate G.S.160D-1117 – 1125
 - B. Process to Help Prevent Dilapidation of Dwellings: Adopt provisions to incorporate G.S. 1201(a) - 1212
 - C. Process to Help Prevent Dilapidation of Commercial Structures: Adopt provisions to incorporate G.S. 1201(b) – 1212
5. Nothing wrong with “Starting Small”
 - Use General Nuisance Abatement to deal with unkept properties and storage of junk (May have to beef up existing ordinance)
 - Start with G.S. 160D-1117 – 1125, which may provide a deterrent to properties getting worse