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#### Sec. 11-58. Nuisance abatement.

- (a) Upon the determination that a property is a nuisance, as defined in this chapter, the code enforcement officer will notify the person in possession of the property and the current owner of record of his finding their findings and a clear written description of the necessary corrective actions. This notice will be either by certified mail with a return receipt or via personal delivery. If corrective action has not been taken within ten (10) days of receipt of the notice of the nuisance by the person in possession of the property, the town will proceed with the abatement procedure in subsection (c) of this section.
- (b) In the case where the person in possession of the property cannot be contacted through certified mail or personal delivery, the property will be publicly posted with a notice of the nuisance. In the case of a property posting, the responsible party will have twenty (20) days to take corrective action. Personal delivery of a written notice shall be documented through a signed acknowledgment of receipt. A photo of property posting will be taken and retained in the case file.
- (c) The Town of Hillsborough will take action to abate nuisance situations through one of the following methods:
- (1) Arrange a written agreement with the responsible party to establish special collections at the property for a fee established by the sanitation superintendent;
  - (2) Arrange for town staff to bring the property into compliance for a fee established by the sanitation superintendent to cover the town's expenses for labor, equipment, and disposal; or
  - (3) Arrange for a private contractor to bring the property into compliance for a negotiated fee.
- (d) The responsible party and property owner will receive written notification of the correction method and cost involved five working days before corrective action is taken.
- (e) Fees for special collections will be collected as stated in section 11-21. Other abatement fees will be collected through a payment schedule or as a lien on the property, at the discretion of the town manager in consultation with the code enforcement officer, finance director, and responsible party.

(Prior Code, § 11-38; Ord. No. 20111212-11.B, § 1, 12-12-2011; Ord. No. 20220613-4.K, § 15, 6-13-2022)

### *Part II. Extraordinary Remedies*

#### Sec. 11-59. Summary abatement of conditions dangerous or prejudicial to public health.

If the Board concludes, after notice and hearing as provided in this part, that any condition or situation prohibited by this chapter or any other condition or situation is dangerous or prejudicial to the public health or safety, it may order town officials to summarily remove, abate, or remedy everything so found within the town limits. The expense of this action shall be paid by the person in default and, if not paid, shall be a lien upon the land or premises where the trouble arose and shall be collected as unpaid taxes.

(Prior Code, § 11-39; Ord. of 9-14-1998; Ord. No. 20111212-11.B, § 1, 12-12-2011)

#### Sec. 11-60. Notice required.

- (a) Before the action authorized by section 11-59 is taken, notice shall be sent to the respondent, informing himthem:
- (1) What condition or situation is alleged to be dangerous or prejudicial to the public health or safety;

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- (2) When and where the Board will meet to hold a hearing on the issue of whether the condition cited is dangerous or prejudicial to public health;
  - (3) That if the Board determines that the cited condition is dangerous or prejudicial to public health or safety, it may order town officials to summarily abate, remedy, or correct the offending condition;
  - (4) That the expense incurred by the town in connection with the actions described in subsection (a)(3) of this section, if not paid by the respondent, shall become a lien upon the land where the offending condition is located, to be collected as unpaid taxes.

~~(b) If, after due diligence, the respondent's address cannot be determined, then the notice required by this section shall be posted conspicuously on the offending property not later than three days before the scheduled hearing. This notice shall be sent by certified mail, return receipt requested, not later than five calendar days prior to the scheduled hearing or delivered to the respondent by a town officer or employee, not later than three days prior to the scheduled hearing.~~

~~(c)~~

#### Sec. 11-61 Notice to Abate

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a) Whenever it shall come to the attention of the Code Enforcement Officer that there exists on any lot or parcel of land in the Town any of the conditions enumerated in Section 11-60, the Code Enforcement Officer shall give the owner a notice to promptly abate such conditions within ten (10) calendar days from the date of such written notice.

b) The notice of violation letter:

1. shall be delivered to the property owner and indicate that the violation exists, and that the violation must be remedied within ten (10) days of the date of the letter.
2. may be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity.
1. shall be delivered by personal delivery, electronic delivery, or certified and first-class mail.
4. shall be posted in a conspicuous place on the property.
5. shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:

c) Such written notice:

1. may be delivered to any person liable, including the occupant of the property and/or the person undertaking the work or activity;
2. shall be delivered by personal delivery, electronic delivery, or certified and first-class mail;
3. shall be posted in a conspicuous place on the property; and
4. shall state that upon expiration of the ten (10) day warning period, the offender shall be subject to a civil penalty:

d) For purposes of this part, the respondent is the person who is responsible for the offending condition, as well as the owner of the property where the offending condition is located, if different from the former.

(Prior Code, § 11-40; Ord. No. 20111212-11.B, § 1, 12-12-2011; Ord. No. 20220613-4.K, § 16, 6-13-2022)

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**Sec. 11-~~61~~62. Hearing procedures.**

At the hearing held pursuant to this part, the town administration shall be responsible for presenting sufficient evidence to the Board to substantiate a finding that a condition exists that is dangerous or prejudicial to the public health or safety. The Board may consider all reliable evidence and need not be bound by the strict rules of evidence applicable to courts of law, but all witnesses shall be sworn. The respondent may be represented by counsel and may present evidence. All parties may cross examine adverse witnesses. At the conclusion of the hearing, the Board shall make findings of fact, state its conclusions, and enter an appropriate order. The Board's findings of fact, conclusion and order shall be reduced to writing and a copy sent by mail or delivered to the respondent within 30 days following the hearing.

(Prior Code, § 11-41; Ord. No. 20111212-11.B, § 1, 12-12-2011)

**Sec. 11-~~62~~63. Order.**

If the Board concludes that a situation or condition exists that is dangerous or prejudicial to the public health or safety, it may:

- (1) Order appropriate town officials or employees to summarily remove, abate or remedy everything so found and to assess the cost of this action against the respondent in accordance with section 11-59; or
- (2) Order the respondent to correct the situation within a specified time period and order town officials to abate, correct, or remedy the offending condition if the respondent fails to act within the prescribed time limits. If town officials are required to take corrective action, the costs shall be assessed against the respondent in accordance with section 11-59.

(Prior Code, § 11-42; Ord. No. 20111212-11.B, § 1, 12-12-2011; Ord. No. 20220613-4.K, § 16, 6-13-2022)