MEMO TO: Mayor and City Council Members

FROM: Jean Derby

SUBJECT: Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with Order from Code Enforcement Officer Regarding the Nuisance Ordinance for **602 Lithia Inn Road**

DATE: February 1, 2024

Property Address

602 Lithia Inn Road

Property Owner

Peggy Kistler Warren

Code Enforcement Activity Summary

Code Violation Determined: Accumulation of rubbish, trash or junk located on the property

Notices of Violation/ Order of Code Enforcement Officer sent by regular mail.

- Notice of Violation: 10.12.2022
- Citation #1: 10.25.2022
- Citation #2: 12.21.2022
- Citation #3: 04.28.2023
- Citation #4: 05.15.2023
- Final Notice: 11.27.2023

Above notices of violation along with photo documentation and case notes of violations are attached.

Action Requested

Adoption of the attached resolution to authorize and direct the City Attorney to petition the Superior Court for an order directing the owner to comply with the order of the Code Enforcement Officer.

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Code Enforcement

VIOLATION NOTICE AND ORDER

October 12, 2022

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Attention Property Owner:

The City of Lincolnton has received a complaint concerning your property located at 602 Lithia Inn (ParcelID#17411)

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance.

Please correct this violation within fifteen (15) days so that no further action will need to be taken. The Compliance deadline is October 27, 2022. Please contact me at 704-736-8729 between the hours of 8:30 a.m. and 5:00 p.m. Monday-Friday or taparker@lincolncounty.org; if you have any questions. Thank you in advance for your cooperation.

Trey Parker
Code Enforcement Officer

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Code Enforcement

October 25, 2022

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Subject: First citation for zoning violation

Property Owner:

On October 12, 2022, a Notice of Violation was sent notifying you of a violation of City of Lincolnton's zoning regulations on your property at 602 Lithia Inn (ParcelID#17411). As of October 25, 2022, this violation has not been corrected. Accompanying this letter is a citation for this violation.

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance.

This citation carries a civil penalty of $100.00. You have 7 days to correct this violation or you will be subject to an additional civil penalty of $250.00 if the violation is not corrected.

If you have any questions or would like to discuss this matter, please feel free to contact me at (704) 736-8729. Our office hours are 8 a.m. to 5 p.m., Monday through Friday.

Trey Parker
Code Enforcement Officer

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Code Enforcement

Citation Number	1
Case Number	LCE22-00079
Date	October 25, 2022
Location of Violation:	602 Lithia Inn Rd
Name:	Peggy Kistler Warren
Address:	602 Lithia Inn Rd
City:	Lincolnton **State:** NC **Zip:**28092

You are charged with a violation of the Lincoln County Unified Development Ordinance as set forth below:

Description of Offense: This violation involes solid was and junk material on the property.

Officer: Trey A. Parker

If you fail to pay the penalty within 20 days, the city may recover the penalty in a civil action in the nature of debt. Failure to correct the violation within seven (7) days shall result in the assessment of an additional civil penalty of $250.00.

This penalty may be paid at the City of Lincolnton Planning and Development Department, City Hall, 2nd Floor 114 W Sycamore St. Lincolnton, NC 28092. Business hours are 8 a.m. to 5 p.m., Monday through Friday.

10-25-2022 08:32:03 AM GPS X= 35.468658 Y= -81.223305

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Code Enforcement

December 21, 2022

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Subject: Second citation for zoning violation

Property Owner:

On October 25, 2022, a first citation letter was sent notifying you of a violation of Lincoln County's zoning regulations on your property at 602 Lithia Inn (ParcelID#17411). An inspection on December 20, 2022 found that this violation has not been corrected. Accompanying this letter is a second citation for this violation.

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance.

This citation carries a civil penalty $250.00 You have 7 days to correct this violation or you will be subject to an additional civil penalty of $500.00 if the violation is not corrected.

If you have any questions or would like to discuss this matter, please feel free to contact me at (704) 736-8729. Our office hours are 8 a.m. to 5 p.m., Monday through Friday.

Trey Parker
Code Enforcement Officer

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Code Enforcement

Citation Number	1
Case Number	LCE22-00079
Date	December 21, 2022
Location of Violation:	602 Lithia Inn Rd
Name:	Peggy Kistler Warren
Address:	602 Lithia Inn Rd
City:	Lincolnton **State:** NC **Zip:**28092

You are charged with a violation of the Lincoln County Unified Development Ordinance as set forth below:

Description of Offense: This violation involes solid waste and junk material on the property.

Officer: Trey A. Parker

Under the provisions of the City of Lincolnton Unified Development Ordinance, a penalty of $250.00 is hereby assessed. If this violation is not corrected, the penalty will increase to $500.00. If you fail to pay any penalties owed within 20 days, the city may recover the amount in a civil action in the nature of debt.

This penalty may be paid at the City of Lincolnton Planning and Development Department, City Hall, 2nd Floor 114 W Sycamore St. Lincolnton, NC 28092. Business hours are 8 a.m. to 5 p.m., Monday through Friday.

12-20-2022 12:13:18 PM GPS X= 35.469727 Y= -81.222741

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Code Enforcement

April 28, 2023

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Subject: Third citation for Nuisance violation

Property Owner:

Accompanying this letter is a third citation for a violation of the City of Lincolnton zoning regulations on your property at 602 Lithia Inn (ParcelID#17411).

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance.

This citation continues a civil penalty of $500.00 To date, the penalties assessed against you amount to 850.00. This letter serves as notice that the City of Lincolnton will seek to recover these penalties in a civil action through Small Claims Court.

If you have any questions or would like to discuss this matter, please feel free to contact me at (704) 736-8729. Our office hours are 8 a.m. to 5 p.m., Monday through Friday.

Trey Parker
Code Enforcement Officer

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Code Enforcement

Citation Number	3
Case Number	LCE22-00079
Date	April 28, 2023
Location of Violation:	602 Lithia Inn Rd
Name:	Peggy Kistler Warren
Address:	602 Lithia Inn Rd
City:	Lincolnton **State:** NC **Zip:**28092

You are charged with a violation of the Lincoln County Unified Development Ordinance as set forth below:

Description of Offense: This Violation involves trash & rubbish beside the home.

Officer: Trey A. Parker

This citation continues a penalty of $500.00. To date, the penalties assessed in this case amount to 850.00. If you fail to pay any penalties owed within 20 days, the city may recover the amount in a civil action in the nature of debt.

This penalty may be paid at the City of Lincolnton Planning and Development Department, City Hall, 2nd Floor 114 W Sycamore St. Lincolnton, NC 28092. Business hours are 8 a.m. to 5 p.m., Monday through Friday.



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Code Enforcement

May 15, 2023

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Subject: Fourth citation for nuisance violation

Property Owner:

On April 28, 2023, a third citation letter was sent notifying you of a violation of Lincoln County's zoning regulations on your property at 602 Lithia Inn (ParcelID#17411). An inspection on May 11, 2023, found that this violation has not been corrected. Accompanying this letter is a fourth citation for this violation.

NUISANCE VIOLATIONS: (Trash & Debris)

Located on the property stated above is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health and safety of residence in the area. This is a violation of the City of Lincolnton Nuisance Ordinance This citation continues a civil penalty of $500.0 per day the violation exists. To date, the penalties assessed against you amount to **$850.00.** This letter serves as notice that the City of Lincolnton will seek to recover these penalties in a civil action through Small Claims Court.

If you have any questions or would like to discuss this matter, please feel free to contact me at (704) 736-8729. Our office hours are 8 a.m. to 5 p.m., Monday through Friday.

Trey Parker
Code Enforcement Officer

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Code Enforcement

Citation Number	4
Case Number	LCE22-00079
Date	May 15, 2023
Location of Violation:	602 Lithia Inn Rd
Name:	Peggy Kistler Warren
Address:	602 Lithia Inn Rd
City:	Lincolnton **State:** NC **Zip:**28092

You are charged with a violation of the Lincoln County Unified Development Ordinance as set forth below:

Description of Offense: This Violation involves trash & rubbish beside the home.

Officer: Trey A. Parker

This citation continues a penalty of $500.00 per day. To date, the penalties assessed in this case amount to $850.00. If you fail to pay any penalties owed within 20 days, the city may recover the amount in a civil action in the nature of debt.

This penalty may be paid at the City of Lincolnton Planning and Development Department, City Hall, 2nd Floor 114 W Sycamore St. Lincolnton, NC 28092. Business hours are 8 a.m. to 5 p.m., Monday through Friday.

05-11-2023 08:38:52 AM GPS X= 35.470215 Y= -81.222453

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Code Enforcement

November 27, 2023

Peggy Kistler Warren
602 Lithia Inn Rd
Lincolnton, NC 28092

Attention Property Owner:

The City of Lincolnton has received a complaint concerning your property located at 602 Lithia Inn (Parcel ID#17411).

On May 15, 2023, a 4th Citation was sent to the property owner for an accumulation of trash & debris. The property came into compliance on July 6, 2023. A total amount of $26,850.00 in civil penalties was accumulated in the 52 days before the property came into compliance.

On November 9, 2023, the case was reopened due to a large amount of trash and debris on the property.

At this time, you have two weeks to bring the property back into compliance. At the end of this period, fines for $500.00 per day will be assessed in addition to the current amount of $26,850.00.

Please correct this violation within fourteen (14) days so that no further action will need to be taken. The Compliance deadline is December 11, 2023. Please contact me at 704-736-8729 between the hours of 8:30 a.m. and 5:00 p.m. Monday-Friday or taparker@lincolncounty.org; if you have any questions. Thank you in advance for your cooperation.

Trey Parker
Code Enforcement Officer

11-09-2023 08:25:54 AM GPS X= 35.469604 Y= -81.222799

01-22-2024









DAW GENERAL NOTE

Re-Opened Case

4/26/2023 12:45:10 PM

SunGard Systems GENERAL NOTE

Re-Opened Case

11/8/2023 3:41:28 PM

INSPECTIONS

TAP INITIAL INSPECTION

I observed solid waste and junk on the property. Will send Nov.

10/11/2022 8:42:58 AM

TAP FOLLOW-UP INSPECTION

I did not observe any change to the property.

10/25/2022 8:32:34 AM

TAP

FOLLOW-UP INSPECTION

Some material has been removed.

11/8/2022 11:58:20 AM

TAP

FOLLOW-UP INSPECTION

Most of the material has been removed.

11/23/2022 8:23:43 AM

TAP

FOLLOW-UP INSPECTION

I did not observe any change.

12/7/2022 8:23:25 AM

TAP

FOLLOW-UP INSPECTION

I did not observe any change to the property.

12/20/2022 12:36:16 PM

TAP

FOLLOW-UP INSPECTION

Solid waste waste has been removed. Tires remain.

1/4/2023 2:33:59 PM

TAP

FOLLOW-UP INSPECTION

I did not observe any change to the property.

1/18/2023 9:07:27 AM

TAP

FOLLOW-UP INSPECTION

Solid waste has been removed and junk material has been consolidated. case closed.

2/1/2023 9:12:39 AM

TAP

FOLLOW-UP INSPECTION

Property is back out of compliance. Will send next citation.

4/27/2023 9:12:40 AM

TAP FOLLOW-UP INSPECTION

I did not observe any change to the property.

5/11/2023 8:39:47 AM

TAP FOLLOW-UP INSPECTION

Some material has been removed.

5/25/2023 9:33:36 AM

TAP FOLLOW-UP INSPECTION

I did not observe any change to the property.

6/8/2023 8:46:20 AM

TAP FOLLOW-UP INSPECTION

No change to the property.

6/22/2023 8:56:15 AM

TAP FOLLOW-UP INSPECTION

All solid waste has been removed.

7/6/2023 9:09:50 AM

TAP FOLLOW-UP INSPECTION

Property is back out of compliance.

11/9/2023 8:41:02 AM

TAP FOLLOW-UP INSPECTION

I did not observe any change to the property.

11/20/2023 8:55:16 AM

TAP FOLLOW-UP INSPECTION

I did not observe any change to the property.

12/4/2023 8:26:07 AM

Trey Parker FOLLOW-UP INSPECTION

I did not observe any change to the property

12/20/2023 1:37:37 PM

Trey Parker FOLLOW-UP INSPECTION

I did not observe any change to the property.

1/2/2024 11:07:25 AM

Trey Parker FOLLOW-UP INSPECTION

I did not observe any change to the property.

1/16/2024 8:43:30 AM

RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY TO PETITION SUPERIOR COURT FOR AN ORDER REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT 602 LITHIA INN ROAD IN THE CITY OF LINCOLNTON TO COMPLY WITH THE ORDER OF THE CODE ENFORCEMENT OFFICER

WHEREAS, the City Council of the City of Lincolnton finds that the situation herein described is an accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, snakes or vermin of any kind which are dangerous or prejudicial to the public health in violation of the Section 93.047 of the City Code, Declaration of Nuisance, and thereby constitutes a safety hazard and is dangerous to life, health and other property and that all of the procedures of the Code of the City of Lincolnton, North Carolina, have been complied with; and

WHEREAS, the owner of this property has failed to comply with a lawful Order of the Code Enforcement Official to remedy the same within the time therein prescribed; and

WHEREAS, G. S. 160A-175 and Sections 93.065 through 93.999 of the Code of the City of Lincolnton, North Carolina, empowers the City of Lincolnton to seek enforcement when an Order of the Code Enforcement Official is not complied with; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincolnton that the City Attorney is hereby authorized and directed to proceed, as authorized by G. S. 160A-175 to petition the Superior Court of Lincoln County for an order requiring the owner, Peggy Kistler Warren, of the property located at 602 Lithia Inn Road in the City of Lincolnton, North Carolina, to take such steps as may be necessary to comply fully with the Order of the Code Enforcement Official issued pursuant to the Nuisance Ordinance contained in Chapter 93 of the Code of the City of Lincolnton, North Carolina.

This Resolution shall become effective upon adoption.

_____

ED HATLEY, MAYOR

ATTEST:

_____

DAPHNE INGRAM, CITY CLERK