MEMO TO: Mayor and City Council Members

FROM: Planning Department

SUBJECT: **R-10-2024** Resolution to Authorize and Direct City Attorney to Petition for Court Order Directing Compliance with Order from Code Enforcement Officer Regarding Nuisance Ordinance for **769 Brady Branch Trail**

DATE: September 5, 2024

Property Address

769 Brady Branch Trail

Property Owner

Douglas and Elizabeth Broome

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: 10.23.2023
- Citation #1: 11.28.2023
- Citation #2: 12.29..2023
- Citation #3:01.11.2024
- Citation #4: 01.25.2024
- Final Notice: 11.27.2023
- Total fines to date (08.06.2024) are $98,350.00

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.

R-10-2024

RESOLUTION AUTHORIZING AND DIRECTING CITY ATTORNEY TO PETITION SUPERIOR COURT FOR AN ORDER REQUIRING THE OWNER OF CERTAIN PROPERTY LOCATED AT 769 BRADY BRANCH Trail 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 owners, Douglas and Elizabeth Broome, of the property located at 769 Brady Branch Trail 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

Photos Taken June 5, 2024:








BROOME
CITY OF
LINCOLNTON



Case Details - No Attachments

Lincoln County

Case Number
LCE23-00069

INSPECTIONS

INSPECTION TYPE	INSPECTOR	SCHEDULED DATE	COMPLETED DATE	RESULT	REMARKS	NOTES
FOLLOW-UP INSPECTION	TP01	11/8/2023	11/8/2023	NO CHANGE OBSERVED		I did not observe any change To the property.
FOLLOW-UP INSPECTION	TP01	11/13/2023	11/13/2023	MINIMAL PROGRESS		one vehicle and material has been removed.
FOLLOW-UP INSPECTION	TP01	11/27/2023	11/27/2023	NO CHANGE OBSERVED		I did not observe any change to the property. I did not observe any change to the property.
FOLLOW-UP INSPECTION	TP01	12/11/2023	12/11/2023	NO CHANGE OBSERVED		I did not observe any change to the property.
FOLLOW-UP INSPECTION	TP01	12/26/2023	12/28/2023	NO CHANGE OBSERVED		Inspector DW01 changed the inspection assignment from DW01 to TP01 I did not observe any change to the property.
FOLLOW-UP INSPECTION	TP01	1/11/2024	1/11/2024	NO CHANGE OBSERVED		I did not observe any change to the property.
FOLLOW-UP INSPECTION	TP01	1/25/2024	1/25/2024	MINIMAL PROGRESS		Appears some material has been removed but the property is still in violation.
FOLLOW-UP INSPECTION	TP01	2/8/2024	2/8/2024	NO CHANGE OBSERVED		I did not observe any change to the property.
FOLLOW-UP INSPECTION	TP01	2/22/2024	2/23/2024	NO CHANGE OBSERVED		I did not observe any change to the property.
FOLLOW-UP INSPECTION	TP01	4/23/2024	4/23/2024	NO CHANGE OBSERVED		I did not observe any change to the property.
FOLLOW-UP INSPECTION	TP01	6/4/2024				
INITIAL INSPECTION	TP01	10/25/2023	10/25/2023	VIOLATION CONFIRMED		I observed rubbish on the property. Will send nov.

VIOLATIONS

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Code Enforcement

VIOLATION NOTICE AND ORDER

October 26, 2023

Elizabeth J Broome
Douglas R Broome
769 Brady Branch Trail
Lincolnton, NC 28092

Attention Property Owner:

The City of Lincolnton has received a complaint concerning your property located at 769 Brady Branch Trail (ParcelID#15896).

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 November 10, 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


10-25-2023 08:25:46 AM GPS X= 35.460602 Y= -81.249897

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Code Enforcement

November 28, 2023

Elizabeth J Broome
Douglas R Broome
769 Brady Branch Trail
Lincolnton, NC 28092

Subject: First citation for zoning violation

Property Owner:

On October 26, 2023, a Notice of Violation was sent notifying you of a violation of City of Lincolnton's zoning regulations on your property at 769 Brady Branch Trail (ParcelID#15896). As of November 27, 2023, 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.

JUNK / ABANDONED VEHICLE VIOLATIONS:

Located on the property and/or street right of way are vehicle(s) that meet the definition of a wrecked/junked vehicle(s) as defined in the City of Lincolnton Unified Development Ordinance. This is a violation of the ordinance.

Here are the following options to correct the violation:

1. Remove the vehicle(s) from the property and/or street right of way
2. Obtain a valid license plate and registration sticker and place on vehicle(s).
3. Place the vehicle(s) in an enclosed garage.
4. One special interest vehicle can be kept on the property for a period of one year provided it is being actively restored and is kept in the rear yard.

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	LCE23-00069
Date	November 28, 2023
Location of Violation:	769 Brady Branch Rd
Name:	Elizabeth J Broome, Douglas R Broome
Address:	769 Brady Branch Trail
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 rubbish, junk material and a junk vehicle 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.


11-27-2023 08:18:18 AM GPS X= 35.460693 Y= -81.249808

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Code Enforcement

December 29, 2023

Elizabeth J Broome
Douglas R Broome
769 Brady Branch Trail
Lincolnton, NC 28092

Subject: Second citation for zoning violation

Property Owner:

On November 28, 2023, a first citation letter was sent notifying you of a violation of Lincoln County's zoning regulations on your property at 769 Brady Branch Trail (ParcelID#15896). An inspection on December 28, 2023, 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.

JUNK / ABANDONED VEHICLE VIOLATIONS:
Located on the property and/or street right of way are vehicle(s) that meet the definition of a wrecked/junked vehicle(s) as defined in the City of Lincolnton Unified Development Ordinance. This is a violation of the ordinance.

Here are the following options to correct the violation:

1. Remove the vehicle(s) from the property and/or street right of way
2. Obtain a valid license plate and registration sticker and place on vehicle(s).
3. Place the vehicle(s) in an enclosed garage.
4. One special interest vehicle can be kept on the property for a period of one year provided it is being actively restored and is kept in the rear yard.

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	2
Case Number	LCE23-00069
Date	November 28, 2023
Location of Violation:	769 Brady Branch Rd
Name:	Elizabeth J Broome, Douglas R Broome
Address:	769 Brady Branch Trail
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 rubbish, junk material and a junk vehicle 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.


11-27-2023 08:19:05 AM GPS X= 35.460602 Y= -81.249900

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Code Enforcement

Citation Number	3
Case Number	LCE23-00069
Date	January 11, 2024
Location of Violation:	769 Brady Branch Rd
Name:	Elizabeth J Broome, Douglas R Broome
Address:	769 Brady Branch Trail
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 rubbish, junk material and a junk vehicle on the property.

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

January 11, 2024

Elizabeth J Broome
Douglas R Broome
769 Brady Branch Trail
Lincolnton, NC 28092

Subject: Third citation for zoning violation

Property Owner:

Accompanying this letter is a third citation for a violation of the City of Lincolnton zoning regulations on your property at 769 Brady Branch Trail (ParcelID#15896).

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.

JUNK / ABANDONED VEHICLE VIOLATIONS:

Located on the property and/or street right of way are vehicle(s) that meet the definition of a wrecked/junked vehicle(s) as defined in the City of Lincolnton Unified Development Ordinance. This is a violation of the ordinance.

Here are the following options to correct the violation:

1. Remove the vehicle(s) from the property and/or street right of way
2. Obtain a valid license plate and registration sticker and place on vehicle(s).
3. Place the vehicle(s) in an enclosed garage.
4. One special interest vehicle can be kept on the property for a period of one year provided it is being actively restored and is kept in the rear yard.

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


01-11-2024 08:24:52 AM GPS X= 35.460510 Y= -81.249984

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Code Enforcement

January 25, 2024

Elizabeth J Broome
Douglas R Broome
769 Brady Branch Trail
Lincolnton, NC 28092

Subject: Fourth citation for zoning violation

Property Owner:

On January 11, 2024, a third citation letter was sent notifying you of a violation of Lincoln County's zoning regulations on your property at 769 Brady Branch Trail (ParcelID#15896).An inspection on January 25, 2024, 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.

JUNK / ABANDONED VEHICLE VIOLATIONS:

Located on the property and/or street right of way are vehicle(s) that meet the definition of a wrecked/junked vehicle(s) as defined in the City of Lincolnton Unified Development Ordinance. This is a violation of the ordinance.

Here are the following options to correct the violation:

1. Remove the vehicle(s) from the property and/or street right of way
2. Obtain a valid license plate and registration sticker and place on vehicle(s).
3. Place the vehicle(s) in an enclosed garage.
4. One special interest vehicle can be kept on the property for a period of one year provided it is being actively restored and is kept in the rear yard.

This citation continues a civil penalty of $500.0 per day the violation exists. To date, the penalties assessed against you amount to $1,350.00. 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	LCE23-00069
Date	January 25, 2024
Location of Violation:	769 Brady Branch Rd
Name:	Elizabeth J Broome, Douglas R Broome
Address:	769 Brady Branch Trail
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 rubbish, junk material and a junk vehicle on the property.

Officer: Trey A. Parker

This citation continues a penalty of $500.00 per day. To date, the penalties assessed in this case amount to 1,350.00. 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.

Jean Derby <jderby@lincolntonnc.org>

Brady Branch

2 messages

Jean Derby <jderby@lincolntonnc.org> Mon, Aug 5, 2024 at 3:56 PM
To: Trey Parker <taparker@lincolncounty.org>

Can I get the fees to date, please?

--

Jean Derby, CZO

City of Lincolnton, Planning Director

(704)736-8930

Trey A. Parker <Trey.Parker@lincolncountync.gov> Tue, Aug 6, 2024 at 9:45 AM
To: Jean Derby <jderby@lincolntonnc.org>

As of 8/6/24 $98,350.00

Trey Parker
Code Enforcement Officer
Lincoln County Planning and Inspections
115 W Main St
Lincolnton NC 29092

From: Jean Derby <jderby@lincolntonnc.org>
Sent: Monday, August 5, 2024 3:56 PM
To: Trey Parker <taparker@lincolncounty.org>
Subject: Brady Branch

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[Quoted text hidden]

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