

# Nuisance



# What is a Nuisance?

## North Carolina General Statute §19-1

- (a) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place for the purpose of assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or sale of controlled substances as defined in the North Carolina Controlled Substances Act, or illegal possession or sale of obscene or lewd matter, as defined in this Chapter, shall constitute a nuisance. ...



# Nuisance cont'd

(b) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place wherein or whereon are carried on, conducted, or permitted **repeated acts which create and constitute a breach of the peace shall constitute a nuisance.**

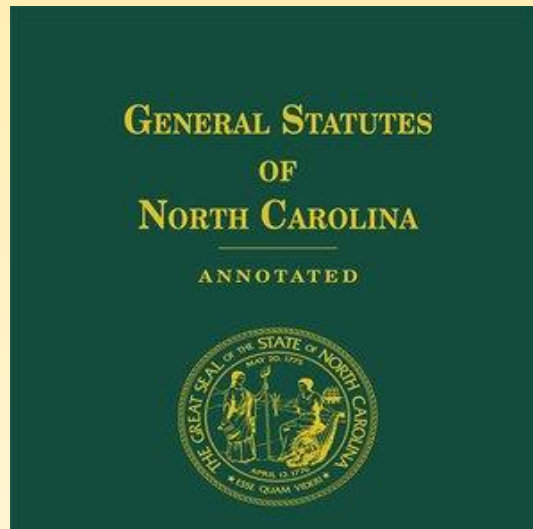
(b1) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place wherein or whereon are carried on, conducted, or permitted **repeated activities or conditions which violate a local ordinance regulating sexually oriented businesses** so as to contribute to adverse secondary impacts **shall constitute a nuisance.**

(b2) The erection, establishment, continuance, maintenance, use, ownership, or leasing of any building or place for the purpose of carrying on, conducting, or engaging in any activities in violation of G.S. 14-72.7. (“chop shop activity”)



# What is Nuisance Abatement?

Chapter 19 of the North Carolina General Statutes provides for a civil action to effectually close a property declared to be a nuisance. Brought on behalf of the State of North Carolina, the civil action targets property used for specified illegal purposes.



# Nuisance Abatement cont'd

As defined in statute, nuisance activities include prostitution, gambling, illegal possession or sale of drugs or alcoholic beverages, and repeated acts which create a breach of the peace.



The civil penalties for operating a nuisance include fines, forfeitures, perpetual restrictive covenants on property, and jail time for failing to comply with judgments.



# Process

- Nuisance Abatement investigations commence by a written request from the local district attorney, chief of police, or sheriff.
- Upon such request, ALE investigates nuisance properties to determine if the location meets the criteria for a nuisance lawsuit.
- If such action is recommended, ALE Special Agents coordinate interviews, prepare affidavits, conduct property title searches, and thoroughly research law enforcement records from local departments.
- ALE presents a court-ready case against the property owner. Property owners can face civil judgments including, but not limited to, fines and forfeiture of property.



# Process cont'd

- When a case is filed in court, a Superior Court judge decides whether to issue a temporary restraining order.
- If a subsequent preliminary injunction is granted, the business closes until the court rules on the case.
- If the property owner is found guilty of operating a nuisance property, the owner may be fined or may have to forfeit their property.
- Furthermore, the property owner is prohibited from operating a nuisance anywhere in North Carolina, and the property itself can never be operated as a nuisance, regardless of ownership.

***Attorney fee liability if a NA action is unsuccessful.***



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