

# Work Session – Property Maintenance Code (WPCOG)

January 7, 2019

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In Attendance:

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**Members Present:** Mayor Janet Winkler, **Commissioners:** Larry Chapman, Jonathan Greer, Barry Mitchell, Rick Shew, Ann Smith, and Bill Warren

**Planning Board Members:** David Deal and Jerry Triplett

**Others Present:** Town Manager, Rebecca Bentley, Chief of Police, Richard Blevins, Town Planner, Teresa Kinney, Town Clerk, Tammy Swanson and Town Attorney, Carroll Tuttle, Alison Adams, Planning Director, WPCOG and Billy Rickles, Code Enforcement Officer, WPCOG

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Call to Order:

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Mayor Janet Winkler called the meeting to order.

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Discussion of Proposed Changes to Code of Ordinances:

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Janet thanked the members of the WPCOG for coming and explaining the proposed changes to the Code of Ordinances. Complaints can be funneled to Billy – the notices will have the WPCOG number and contact information instead of the Town’s contact info.

Alison Adams introduced herself to the group. She explained that with the Town’s FY 2018-2019 Budget, a Code Enforcement Officer was hired through the WPCOG. She also explained that we are one of 6 municipalities participating in the Code Enforcement Program through the WPCOG, and having the codes the same would make things easier for the Code Enforcement Officer.

Alison reviewed the proposed changes to the Town’s Code of Ordinances:

**Action – Repeal Chapter 9: Health and Sanitation, Article 2: Growth of Weeds and Accumulation of Refuse Regulations – replace with Article 2: Abandoned Manufactured Homes and Add Article 6: Nuisances**

Alison explained that Abandoned Manufactured Homes section is being added to the Health and Sanitation section.

Carroll stated that it is very common for property in Caldwell County to change hands with an old mobile home on the property. The problem is that moving old mobile homes is very expensive, and typically neither the former property owner(s) nor the new property owner(s) have finances available to have the home removed.

Alison stated that they will be trying to work with the property owners to have mobile homes removed as reasonably as possible.

Carroll stated that the person who owns the land does not always own the mobile home. Are the notice requirements going to be against the landowner or the owner of the mobile home?

Billy explained that if the mobile home is junky, it will be the mobile home owner – if the land is the issue, it would be the landowner.

Alison stated that if the mobile home owner cannot be found, the landowner would be put on notice that abatement is possible.

**Nuisances** - Alison stated that Article 2 is all that is being repealed. Both Articles 3 and 4 will remain as they currently are in the Town's Code. Article 6 is being added; however, it covers the nuisances that are covered currently under Article 2.

**Action – Repeal Chapter 11: Disorderly Conduct and Public Nuisance and Article 4: Abandoned Vehicles – Replace with Article 4: Abandoned, Nuisance and Junked Motor Vehicles.**

Allison stated that the revised language for Article 4 is basically what the General Statutes spell out.

Billy commented that with this process, he will be weeding out as many problems as possible before it actually comes to the Board.

Questions about the new language:

Section 11.26 – Chief Blevins asked about vehicles that are left along the highway. He stated that according to the new language, he can post a notice on the windshield and remove the vehicle in 7 days.

Teresa asked if the Police Department would be handling these issues or would it be left up to the Code Enforcement Officer to handle.

Alison stated that typically, these types of issues are handled by police departments because they can run VINS. The Code Enforcement Officer is not a sworn officer.

Larry commented that his first contact logically would be the Hudson Police Department. He would not know how to contact Billy.

Billy stated that they are working on how this should be addressed.

Janet asked if the Police Department could contact Billy when these types of situations occur so that he will at least be aware of the problems.

Billy stated that this would be good.

Chief Blevins asked what would happen if someone pulls into someone else's driveway and the driver is impaired. The car is parked in a driveway, and the driver is going to be arrested. To get the car towed, would he have to call Billy or can the decision be made by the property owner.

Billy stated that this can be decided by the property owner. He would just like to be made aware of the situation.

Jonathan asked if these guidelines are in place just if the someone wants the Town to get involved.

Billy answered yes - the property owner can still have the vehicle towed from their property on their own.

**Action – Repeal Chapter 8: Building Regulations, Article 5: Minimum Housing Standards and replace with Article 5: Residential Minimum Housing and Add Article 6: Minimum Standards for Non-Residential Buildings.**

Alison answered questions about abandoned housing, and what action can be taken when a house is determined to be unfit for human habitation. These regulations are explained in Section 8.78 – Issue of complaint; hearing; determination of unfit dwelling; abatement procedure.

David Deal asked if this procedure would be followed for both residential and commercial properties.

Alison stated that the procedure would be the same for both residential and commercial.

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Janet asked if meetings between Billy and the property owners would be held at the Town Hall or at the WPCOG office.

Billy stated that he wants to make the situation the best for the property owner – whichever place suits them the best for a meeting.

**Fees for Non-Compliance:**

Alison stated that civil citations are typically \$50 per day.

Janet commented that if the citation is \$50 per day, the cost grows very quickly.

Teresa stated that in her opinion, \$50 per day is good for residential. For non-residential, we may want to consider a staggered fee schedule.

Allison stated that because there is no civil penalty amount set in the Ordinance, the amount could be set in Town's fee schedule.

Janet stated that the fees can be discussed at a later time.

**Public Hearing Scheduled for January 15, 2019 – Adoption of Proposed Amendments:**

A public hearing is scheduled for the January 15<sup>th</sup> meeting to adopt the amendments to the Town's Ordinance. During the review of the proposed changes, typographical errors were found. Alison stated that these errors would be corrected prior to the meeting on January 15<sup>th</sup>. A corrected copy will be sent to the Town Clerk prior to the meeting.

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**Introduction of New Code Enforcement Officer – Billy Rickles:**

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Billy introduced himself, and explained his plans once the ordinance is adopted. He stated that he plans to address junked vehicles, and abandoned houses first. He also stated that he plans to take a slower approach so that we will not be totally overcome with violations.

Billy stated that he will be working on a day-by-day basis, and he will not have a set day in any city or town.

Teresa stated that in the past, we have operated on a complaint basis; however, with this new process, it will be more proactive. Problems will be addressed as they are seen.

Rebecca asked if a report could be generated every month to let the board know what is going on.

Billy stated that a report can be generated for Hudson each month.

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**Adjournment:**

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**Motion: (Larry Chapman/Bill Warren) to adjourn the meeting. Unanimously approved.**

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Tamra T. Swanson, Town Clerk