

Nuisance Abatement

City Attorney's Office

May 4, 2026

Overview

- **Legal Authority**
- **Nuisance Ordinance**
- **Arcades, Dancehalls, and Sexually Oriented Businesses**
- **Recommendations from City Attorney's Office**

What Is A Public Nuisance?

□ **A public nuisance is a condition or activity involving real property that amounts to an unreasonable interference with the health, safety, morals, or comfort of the community.**

- Breach of peace
- Illegal possession or sale of alcoholic beverages
- Illegal possession or sale of controlled substances
- Prostitution
- Gambling

Legal Authority

- **Chapter 19 of the North Carolina General Statutes**
- **G.S. § 160A-174, allows cities the authority to define and abate nuisances**
- **Chapters 3 and 10 of the Charlotte City Ordinance**

Nuisance Abatement

- **Charlotte, Raleigh, Greensboro, and Winston-Salem have similar nuisance ordinances**

- **CMPD's investigative and enforcement role**
 - Resource deployment
 - Community engagement

- **Nuisance and the City Attorney's Office**
 - Notice letter

Notice Letter to Nuisance Properties

- Proactive involvement of CAO
 - With CMPD's NEST Unit
- Interactive process between the City and the property owner
- File a civil action seeking abatement if issues are not remedied

NOTICE OF NUISANCE ACTIVITY

[INSERT DATE]

[INSERT NAME]

[INSERT MAILING ADDRESS]

RE: [INSERT LOCATION ADDRESS]/Report Number [INSERT REPORT NUMBER]

Dear [INSERT NAME]:

It was reported to the Charlotte-Mecklenburg Police Department (CMPD) on [INSERT DATE OF OFFENSE] that the following nuisance activity occurred at the above listed property:

- Breach of the peace, which includes but is not limited to, homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly weapons, and discharging firearms.
- Illegal possession or sale of alcoholic beverages.*
- Illegal possession or sale of controlled substances.
- Prostitution.
- Gambling.

Available public records indicate that you may be the owner or person in control of this property. Please be advised that North Carolina law provides in pertinent part that:

...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...or wherein or whereon are carried on, conducted, or permitted repeated acts which create and constitute a breach of the peace shall constitute a nuisance.

N.C.G.S. § 19-1(a)-(b)

As the owner or person in control of the property it is your responsibility to bring the property into compliance with state law. If the nuisance is not abated or remedied, the City may seek to have the nuisance abated under the provisions of North Carolina General Statutes § 19-1, *et seq.* through the initiation of a civil lawsuit seeking abatement of the nuisance activity. Please contact the CMPD Nuisance Abatement Coordinator at 704-336-3248 to discuss this matter. If you have an attorney to represent you in regards to this matter, please have your attorney contact the City attorneys who are assigned to CMPD at 704-336-2406.

Sincerely,

City Attorney

* Applies only to places or business that are not subject to regulation under Chapter 18B of the North Carolina General Statutes.

NOTICE OF NUISANCE ACTIVITY

[INSERT DATE]

[INSERT NAME]

[INSERT MAILING ADDRESS]

RE: [INSERT LOCATION ADDRESS]/Report Number [INSERT REPORT NUMBER]

Dear [INSERT NAME]:

It was reported to the Charlotte-Mecklenburg Police Department (CMPD) on [INSERT DATE OF OFFENSE] that the following nuisance activity occurred at the above listed property:

Breach of the peace, which includes but is not limited to, homicide, assault, affray,

Notice Letter to Nuisance Properties

- **P
C**

It was reported to the Charlotte-Mecklenburg Police Department (CMPD) on [INSERT DATE OF OFFENSE] that the following nuisance activity occurred at the above listed property:

Breach of the peace, which includes but is not limited to, homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly weapons, and discharging firearms.

- **In
b
p**

Illegal possession or sale of alcoholic beverages.*

Illegal possession or sale of controlled substances.

Prostitution.

Gambling.

assigned to CMPD at 704-350-2400.

Sincerely,

City Attorney

* Applies only to places or business that are not subject to regulation under Chapter 18B of the North Carolina General Statutes.

- **File a civil action seeking abatement if issues are not remedies**

Notice Letter to Nuisance Properties

- Proactive involvement of

As the owner or person in control of the property it is your responsibility to bring the property into compliance with state law. If the nuisance is not abated or remedied, the City may seek to have the nuisance abated under the provisions of North Carolina General Statutes § 19-1, *et seq.* through the initiation of a civil lawsuit seeking abatement of the nuisance activity. Please contact the CMPD Nuisance Abatement Coordinator at 704-336-3248 to discuss this matter. If you have an attorney to represent you in regards to this matter, please have your attorney contact the City attorneys who are assigned to CMPD.

- File a civil action seeking abatement if issues are not remedies

NOTICE OF NUISANCE ACTIVITY

[INSERT DATE]

[INSERT NAME]

[INSERT MAILING ADDRESS]

RE: [INSERT LOCATION ADDRESS]/Report Number [INSERT REPORT NUMBER]

Dear [INSERT NAME]:

It was reported to the Charlotte-Mecklenburg Police Department (CMPD) on [INSERT DATE OF OFFENSE] that the following nuisance activity occurred at the above listed property:

- Breach of the peace, which includes but is not limited to, homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly weapons, and discharging firearms.
- Illegal possession or sale of alcoholic beverages.*

assigned to CMPD at 704-336-2406.

Sincerely,

City Attorney

* Applies only to places or business that are not subject to regulation under Chapter 18B of the North Carolina General Statutes.

Notice Letter to Nuisance Properties

- Proactive involvement of CAO
 - With CMPD's NEST Unit
- Interactive process between the City and the property owner
- File a civil action seeking abatement if issues are not remedies

NOTICE OF NUISANCE ACTIVITY

[INSERT DATE]

[INSERT NAME]

[INSERT MAILING ADDRESS]

RE: [INSERT LOCATION ADDRESS]/Report Number [INSERT REPORT NUMBER]

Dear [INSERT NAME]:

It was reported to the Charlotte-Mecklenburg Police Department (CMPD) on [INSERT DATE OF OFFENSE] that the following nuisance activity occurred at the above listed property:

- Breach of the peace, which includes but is not limited to, homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly weapons, and discharging firearms.
- Illegal possession or sale of alcoholic beverages.*
- Illegal possession or sale of controlled substances.
- Prostitution.
- Gambling.

Available public records indicate that you may be the owner or person in control of this property. Please be advised that North Carolina law provides in pertinent part that:

...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...or wherein or whereon are carried on, conducted, or permitted repeated acts which create and constitute a breach of the peace shall constitute a nuisance.

N.C.G.S. § 19-1(a)-(b)

As the owner or person in control of the property it is your responsibility to bring the property into compliance with state law. If the nuisance is not abated or remedied, the City may seek to have the nuisance abated under the provisions of North Carolina General Statutes § 19-1, *et seq.* through the initiation of a civil lawsuit seeking abatement of the nuisance activity. Please contact the CMPD Nuisance Abatement Coordinator at 704-336-3248 to discuss this matter. If you have an attorney to represent you in regards to this matter, please have your attorney contact the City attorneys who are assigned to CMPD at 704-336-2406.

Sincerely,

City Attorney

* Applies only to places or business that are not subject to regulation under Chapter 18B of the North Carolina General Statutes.

Case Study: Arlington Suites

- **4416 South Tryon Street**
- **High volume of drug activity and violent crime**
- **CAO filed action under Chapter 19 of the North Carolina General Statutes**
- **Court entered order of abatement and permanent injunction against property owner**

Other Nuisance Businesses

□ Arcades

- G.S. § 14-306.1A. Types of machines and devices prohibited by law; penalties.
- G.S. § 14-306.4. Electronic machines and devices for sweepstakes prohibited.

□ Dancehalls

- G.S. § 160A-181. Regulation of places of amusement.
- Chapter 6, Article III of City Code

□ Sexually Oriented Businesses

- § 160D-902. Adult businesses
- Chapter 6, Article IX of City Code

Arcades, by the numbers

January 1, 2025 to present:

□ Agg. Assaults:	52
□ Marijuana:	41
□ Burglaries:	35
□ Robberies:	20
□ Auto theft/LFA:	57
□ Opium/cocaine:	28
□ Firearms incidents:	70
□ Other weapons:	18

By Patrol Division

□ Eastway:	5
□ Freedom:	8
□ Hickory Grove:	5
□ Independence:	6
□ Metro:	8
□ North:	2
□ North Tryon:	7
□ Steele Creek:	6
□ Westover:	5
□ UCD:	5
□ Central, Providence, South:	0

Dancehalls and Sexually Oriented Businesses

- **Potential enhancements to mirror State ABC laws (Chapter 18B)**
 - Inspections
 - Revocations
 - Afterhours service, sale, or consumption

- **Enhance S.O.B. revocations**
 - Add language from Dancehall ordinance
 - *Breach of peace* means repeated acts that disturb the public order, including, but not limited to, homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly weapons, and discharging firearms.

CAO Recommendations

- 1. Add required inspections of Dancehalls and S.O.B. after permitting**
 - *Non-compliance can be grounds for revocation*
- 2. Update language regarding afterhours consumption of alcoholic beverages to Dancehall and S.O.B. ordinances**
- 3. Update S.O.B. grounds for revocation**

Questions?