



CITY OF CONCORD

New Hampshire's Main Street™

**Legal Department
City Solicitor's Office**

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REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Danielle Pacik, Deputy City Solicitor
DATE: September 7, 2023
SUBJECT: 77 Village Street – Collection of Nuisance Abatement Costs

Recommendation

Accept this report authorizing the Code Administrator to issue an Order for Abatement Costs Pursuant to RSA 147:7-b relative to costs incurred in the clean-up of household trash located at 77 Village Street, Penacook, NH.

Background

On August 30, 2023, the City worked with NE Trauma Services to remove a large pile of household trash from the driveway at 77 Village Street, Penacook, NH (the “Property”). This household trash was the subject of neighborhood complaints, was a harborage for rodents and insects, and was located within close proximity to the sidewalk. The Code Administrator determined that that the household trash near the sidewalk needed to be immediately removed because it was a nuisance and injurious to the public health. The Code Administrator also needed the household trash to be immediately removed due to the reopening of school, since the sidewalk is used by schoolchildren attending the Penacook Elementary School.

The Property is owned by the Estate of Carol Burney. Ms. Burney passed away on December 13, 2021, although no probate estate was opened. Ms. Burney was survived by two sons, Joshua Burney and Seth Burney, who have not provided assistance in removing the trash.

The City now seeks approval in accordance with RSA 147:7-b to issue an Order for Abatement Costs pursuant to RSA 147:7-b which would allow the City to place a lien against the Property, which is enforceable in the same manner as real estate taxes. The lien would include the expense of cleaning the Property, which was \$1,895, as well as any future costs associated with issuing and serving the Order for Abatement Costs on the owners of the Property. The Code

Administrator will coordinate with the City Solicitor's office to prepare an Order for Abatement Costs.

It should be noted that there are still a number of code violations at the Property, including additional remaining trash near the garage and behind the house. The City is actively working on a Cease and Desist Order to address those violations. The City will pursue a Court order for enforcement of the Cease and Desist Order as needed, and it is also attempting to work with the mortgage holder and mortgage servicing companies to address the code violations. It should also be noted that all taxes on the Property have been paid.