



## Nuisance Abatement Letter Overview

### **Warning Letter (Optional)**

- Sent to property owners when indications of a public nuisance or developing public nuisance are evident.
- Not necessary that criteria for Drug Nuisance letter or Chronic Nuisance Premises Declaration be present.
- Based on CFS (frequency and type), citizen complaints, building code violations, etc.

### **Drug Nuisance Notice**

- Should be sent to property owner whenever evidence exists that the property is being used to “facilitate the delivery or manufacture of controlled substances.” Evidence demonstrating this can include:
  - A drug arrest made on the property. Charging & conviction are not necessary, but evidence of mere possession is not sufficient.
  - When an informant or undercover officer makes a controlled drug purchase on the property.
  - When a search warrant is executed and evidence is recovered that indicates the property is being used for the manufacture, sale or delivery of controlled substances.
  - Evidence uncovered pursuant to any other legal means.

### **Chronic Nuisance Premises Declaration**

- Property qualifies in one of three ways:
  - Three enforcement actions on three separate dates (within 90 days);
  - One enforcement action resulting from the manufacture, delivery or distribution of controlled substances;
  - Search warrant establishing probable cause that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the premises within 30 days prior to the search warrant application.
- ACA Zilavy should be consulted prior to declaring a property a Chronic Nuisance Premises.