

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: August 5, 2019
SUBJECT: Notice to Chronic Violators of Public Nuisance Ordinance
PRESENTER: Charles Russell Burrell
ATTACHMENT(S): Notices of violations

SUMMARY OF REQUEST:

Under N.C. Gen. Stat. §153A-140.2:

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

Two properties within the County meet this standard:

<u>Owner/Property Street Address</u>	<u>REID</u>
HSBC Mortgage Services, Inc. 192 S. Old Asheville Rd. Hendersonville, NC 28791	9961315
Cited 3 times in last year, as shown by attached notices	
Amana Beveridge 583 Piney Ridge Dr. Hendersonville, NC 28791	9945763

Cited 3 times in last year, as shown by attached notices

Under §52-5 of the Henderson County Code, a "Public Nuisance" is defined as:

Any activity or failure to act that adversely affects the public and shall include, but is not limited to, any condition which poses an immediate and direct hazard to human health if left unheeded due to the existence of the condition itself or due to the immediate threat of transmission of disease through insects, animals, or other means of transmission or infections.

If the finding of “chronic public nuisance” for these tracts is made, County staff will be notify the property owner, and post the property. After that has taken place, this Board may be asked to authorize the remedying of the violation as allowed by the statute quoted above.

BOARD ACTION REQUESTED:

Finding that the two properties listed are chronic violators of the County’s public nuisance ordinance.

If the Board is so inclined, the following motion is suggested:

I move that the Board find that the two properties listed in this agenda item are chronic violators of the County’s public nuisance ordinance.