

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY

### BOARD OF COMMISSIONERS

**MEETING DATE:** June 6, 2022

**SUBJECT:** Notice to Chronic Violator of Nuisance ordinance

**PRESENTER:** Charles Russell Burrell

**ATTACHMENT(S):** Proposed Notice

**SUMMARY OF REQUEST:**

N.C. Gen. Stat. §153A-140.2 reads as follows:

**§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.**

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.

Certain property, located at 2794 Sugarloaf Road, Hendersonville, owned as indicated on GIS by Donald R. Heaton and wife, Cathy J. Heaton, has been cited for violation of the County's Nuisance Ordinance (Chapter 52 of the Henderson County Code) on February 17, 2022, March 25, 2022, and April 26, 2022. County staff has been informed that the property is now owned by Cathy J. Heaton, but occupied by others.

County staff, including enforcement staff, will be present to provide more information.

**BOARD ACTION REQUESTED:**

Giving of notice under §153A-140.2.

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

***I move that the Board give the proposed notice to the property owner in this matter.***

# NOTICE

TO: Donald R. Heaton and wife, Cathy J. Heaton, or the survivor of them

RE: Chronic Violation of Nuisance Ordinance

You have been cited three times – February 17, 2022, March 25, 2022, and April 26, 2022 – for violation of Henderson County’s public nuisance ordinance.

N.C. Gen. Stat. §153A-140.2 reads as follows:

**§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.**

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.

BE ADVISED that Henderson County shall, without further notice, take action to remedy the violation, and to place a lien for the costs of the action on the real property.

This the 6<sup>th</sup> day of June, 2022.

\_\_\_\_\_  
WILLIAM LAPSLEY  
Chairman, Henderson County Board of Commissioners

Sent by certified mail on June \_\_\_\_, 2022. \_\_\_\_\_

Property posted on June \_\_\_\_, 2022. \_\_\_\_\_