

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: September 18, 2024

SUBJECT: Chronic nuisance property

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Notices of violation (March 26, 2024, May 30, 2024; and, June 28, 2024)
Letters sent to property owner (1 per violation)
Photos of the property
GIS oblique view of property

SUMMARY OF REQUEST:

Your Code Enforcement and Zoning Services Department has cited a particular parcel of property three times within the past year for violation of your nuisance ordinance, Chapter 52 of the Henderson County Code. The property is shown on your geographical information system as PIN 9660-05-5615, with owner shown as “Cathy Butler Sheehan”. A copy of each of the notices of violation is attached.

Under N.C.G.S. §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.

This matter would, in the worst case, come back before the Board before a contractor was hired to clear up the property under the authority noted, above.

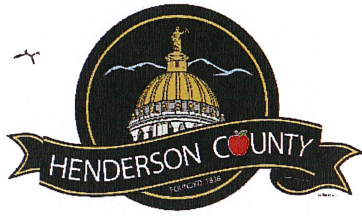
County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Give notice to property owners under N.C.G.S. §153A-140.2.

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

I move that the Board give the owner(s) of the property which is the subject of this agenda item the notice provided for under N.C.G.S. §153A-140.2.



Henderson County, North Carolina Code Enforcement Services

March 26, 2024
Cathy Sheehan
2114 NC 108 HWY LOT 11
Rutherfordton NC 28139

RE: Violations at 106 Oakwood Road - PIN: 9660055615

Dear Ms. Sheehan,

I have made a site visit to 106 Oakwood Road that you own. I observed a large pile of household waste and debris. I also observed two recreational vehicles being used as primary residences which are not allowed in Henderson County. You have received several notices of the same violations. These are violations of the Henderson County Code of Ordinances. I am serving you with a 30-day Notice of Compliance on that property since you are the lawful property owner.

Section 52 of the Henderson County Code prohibits the accumulations of solid waste and rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public. Also, section 52-3 Using a recreation (RV) vehicle as a primary residence. Both pose a serious health and safety risk to the community. Your Notice of Violation provides a 30-day warning/compliance period running through April 26th, 2024. A \$50 per day fine for each fine began accruing since the property was in violation. Failure to abate these violations by **April 26th, 2024**, will result in a warrant being issued against you for criminal and/or civil charges.

This matter should be relatively easy to resolve. Please contact me at (828) 694-6417 to discuss this issue and avoid further prosecution.

Respectfully,

Penny Sams CZO
Lead Code Enforcement

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON
Notice of Violation and Declaration of Public Nuisance

Name of Violator / Property Owner: Cathy Sheehan
Street Address: 106 Oakwood Rd
PIN Number: 9660055613

On or about the 26 day of MARCH, 2024 in the County of Henderson a violation of Henderson County Nuisance Ordinance Section 52 did occur by:

- §52-3 A. Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.
- §52-3 B. An unsecured opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel.
- §52-3 C. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed, insect and rodent-proof container.
- §52-3 D. Accumulation of carcasses of animals, birds, or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death.
- §52-3 E. Significant outdoor storage of solid waste.
- §52-3 F. Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.
- §52-3 G. Any junked motor vehicles without a current Vehicle Restoration Permit and/or any abandoned manufactured home.
- §52-3 H. Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae, hookworm larvae or other insects, parasites or vermin.
- §52-3 I. Breeding grounds which support mosquito larvae and mosquitoes.
- §52-3 J. Use of a Recreational Vehicle as a primary residence without permitted electric, water and sewage connections.
- §52-3 K. Recreational vehicles used to store solid waste.
- §52-4 A. Improper outdoor storage location violation for zoning purposes.
- Other Zoning Violation (Section 42): _____
- Solid Waste Violation (Section 95): _____

Furthermore, the property mentioned above is hereby declared a Public Nuisance by Henderson County Code Enforcement Services and will remain so until the specific problem(s) is/are abated and approved by Code Enforcement Services at which time the Declaration of Public Nuisance will be dismissed. It is your responsibility to abate the existing problem on the property.

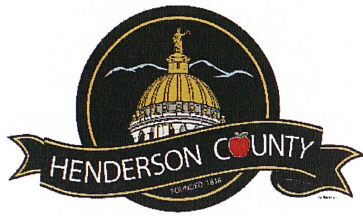
You have 30 days, ending on 4/26/24, to abate the current nuisance. Failure to legally abate the nuisance could result in a warrant being issued against you. Each day that the violation exists past the allotted time period shall constitute a separate violation. Per Section 1-14 of the Henderson County Code and NCGS 14-4, violation of the Code shall constitute a Class 3 misdemeanor for criminal violation and/or \$50 per day per violation for civil violation.

As the owner, occupant or person in control of the property mentioned it is your responsibility to bring the property into compliance with Henderson County ordinances. You are hereby ordered to bring the property into compliance by remedying the nuisance in a legal manner and notifying the Henderson County Code Enforcement Department once completed. If the property is not abated or remedied in accordance with this order, Henderson County will have the nuisance abated or removed at the expense of the owner under the provisions of North Carolina Statute 153A-140.2 and this ordinance.

Right to appeal: As the owner or occupant of the property, you may appeal this Declaration by filing a written request with the Zoning Board of Adjustment for an administrative hearing within ten calendar days of receiving this notice. Correspondence may be made by mail to 100 N King St. Hendersonville, NC 28792.

Please contact Officer: Penny Sams as soon as possible at 694-6517.

Owner Signature _____
Zoning Enforcement Officer Penny Sams Date 3-26-24 Phone Number 1952
ID# _____



Henderson County, North Carolina Code Enforcement Services

May 30, 2024
Cathy Sheehan
2114 NC 108 HWY LOT 11
Rutherfordton NC 28139

RE: Violations at 106 Oakwood Road - PIN: 9660055615

Dear Ms. Sheehan,

I have made a site visit to 106 Oakwood Road that you own. I observed a large pile of household waste and debris. I also observed two recreational vehicles being used as primary residences which are not allowed in Henderson County. You have received several notices of the same violations. These are violations of the Henderson County Code of Ordinances. I am serving you with a 30-day Notice of Compliance on that property since you are the lawful property owner.

Section 52 of the Henderson County Code prohibits the accumulations of solid waste and rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public. Also, section 52-3 Using a recreation (RV) vehicle as a primary residence. Both pose a serious health and safety risk to the community. Your Notice of Violation provides a 30-day warning/compliance period running through June 30th, 2024. A \$50 per day fine for each fine began accruing since the property was in violation. Failure to abate these violations by **June 30th, 2024**, will result in a warrant being issued against you for criminal and/or civil charges.

This matter should be relatively easy to resolve. Please contact me at (828) 694-6417 to discuss this issue and avoid further prosecution.

Respectfully,

Penny Sams CZO
Lead Code Enforcement

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON
Notice of Violation and Declaration of Public Nuisance

Name of Violator / Property Owner: Cathy Sheehan
Street Address: 106 Oakwood Rd
PIN Number: 9660055615

On or about the 30 day of May, 2024, in the County of Henderson a violation of Henderson County Nuisance Ordinance Section 52 did occur by:

- §52-3 A. Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.
- §52-3 B. An unsecured opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel.
- §52-3 C. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed, insect and rodent-proof container.
- §52-3 D. Accumulation of carcasses of animals, birds, or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death.
- §52-3 E. Significant outdoor storage of solid waste.
- §52-3 F. Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.
- §52-3 G. Any junked motor vehicles without a current Vehicle Restoration Permit and/or any abandoned manufactured home.
- §52-3 H. Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae, hookworm larvae or other insects, parasites or vermin.
- §52-3 I. Breeding grounds which support mosquito larvae and mosquitoes.
- §52-3 J. Use of a Recreational Vehicle as a primary residence without permitted electric, water and sewage connections.
- §52-3 K. Recreational vehicles used to store solid waste.
- §52-4 A. Improper outdoor storage location violation for zoning purposes.
- Other Zoning Violation (Section 42): _____
- Solid Waste Violation (Section 95): _____

Furthermore, the property mentioned above is hereby declared a Public Nuisance by Henderson County Code Enforcement Services and will remain so until the specific problem(s) is/are abated and approved by Code Enforcement Services at which time the Declaration of Public Nuisance will be dismissed. It is your responsibility to abate the existing problem on the property.

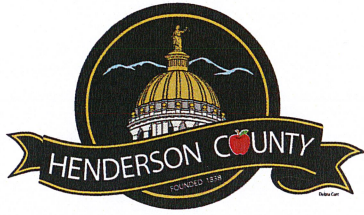
You have 30 days, ending on 6/30/24, to abate the current nuisance. Failure to legally abate the nuisance could result in a warrant being issued against you. Each day that the violation exists past the allotted time period shall constitute a separate violation. Per Section 1-14 of the Henderson County Code and NCGS 14-4, violation of the Code shall constitute a Class 3 misdemeanor for criminal violation and/or \$50 per day per violation for civil violation.

As the owner, occupant or person in control of the property mentioned it is your responsibility to bring the property into compliance with Henderson County ordinances. You are hereby ordered to bring the property into compliance by remedying the nuisance in a legal manner and notifying the Henderson County Code Enforcement Department once completed. If the property is not abated or remedied in accordance with this order, Henderson County will have the nuisance abated or removed at the expense of the owner under the provisions of North Carolina Statute 153A-140.2 and this ordinance.

Right to appeal: As the owner or occupant of the property, you may appeal this Declaration by filing a written request with the Zoning Board of Adjustment for an administrative hearing within ten calendar days of receiving this notice. Correspondence may be made by mail to 100 N King St. Hendersonville, NC 28792.

Please contact Officer: Penny Sams as soon as possible at 828-694-6517

Owner Signature _____ Phone Number _____
Penny Sams 5-30-24 1952
Zoning Enforcement Officer Date ID#



Henderson County, North Carolina Code Enforcement Services

June 28, 2024

Cathy Sheehan
2114 NC 108 Hwy Lot 11
Rutherfordton, NC 28139

Final Notice of Violation Declaration of Public Nuisance

RE: Violations at 106 Oakwood Road, PIN: 9660-05-5615

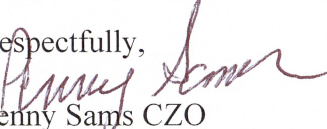
You have already been served with a Notice of Violation and Declaration of Public Nuisance, Henderson County Ordinance, Section 52. This notice gave you 30 days to abate the nuisances at 106 Oakwood Road and was issued on March 26, 2024, and again on May 30th 28, 2024. You have been given ample time to comply with the order. Failure to abate the nuisance will result in civil penalties. Each day that the violation exists past the allotted time constitutes a separate violation of fifty dollars per day. Fines have accrued to \$36,000. Failure to abate the nuisance will also result in criminal warrant being issued.

Section 52 Prohibitions. The creation or maintenance of a public nuisance is prohibited. The following are hereby expressly declared to be public nuisances:

- C. Failure to keep waste, refuse, or garbage in an enclosed building or properly contained in a closed, insect and rodent proof container designed or reasonably adapted for such purpose.
- G. Any vehicle without a current tag
- J. Use of a Recreational Vehicles as a primary residence

Section 42 Prohibitions. Henderson County Code requires a special use permit to reside in an RV as an approved RV Park. There is no special use permit on file for this property.

Please contact me at (828) 694-6517 to discuss this issue and avoid further prosecution.

Respectfully,

Penny Sams CZO
Lead Code Enforcement Officer

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON
Notice of Violation and Declaration of Public Nuisance

Name of Violator / Property Owner: Cathy Sheehan
Street Address: 106 Oakwood Dr
PIN Number: 7660085619

On or about the 28th day of June, 2024, in the County of Henderson a violation of Henderson County Nuisance Ordinance Section 52 did occur by:

- §52-3 A. Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.
- §52-3 B. An unsecured opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel.
- §52-3 C. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed, insect and rodent-proof container.
- §52-3 D. Accumulation of carcasses of animals, birds, or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death.
- §52-3 E. Significant outdoor storage of solid waste.
- §52-3 F. Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.
- §52-3 G. Any junked motor vehicles without a current Vehicle Restoration Permit and/or any abandoned manufactured home.
- §52-3 H. Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae, hookworm larvae or other insects, parasites or vermin.
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- §52-4 A. Improper outdoor storage location violation for zoning purposes.
- Other Zoning Violation (Section 42): _____
- Solid Waste Violation (Section 95): _____

Furthermore, the property mentioned above is hereby declared a Public Nuisance by Henderson County Code Enforcement Services and will remain so until the specific problem(s) is/are abated and approved by Code Enforcement Services at which time the Declaration of Public Nuisance will be dismissed. It is your responsibility to abate the existing problem on the property.

You have 30 days, ending on 7/28/24, to abate the current nuisance. Failure to legally abate the nuisance could result in a warrant being issued against you. Each day that the violation exists past the allotted time period shall constitute a separate violation. Per Section 1-14 of the Henderson County Code and NCGS 14-4, violation of the Code shall constitute a Class 3 misdemeanor for criminal violation and/or \$50 per day per violation for civil violation.

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Please contact Officer: Penny Sams as soon as possible at 694-6517

Owner Signature _____ Phone Number _____
Penny Sams 628-24 1952
Zoning Enforcement Officer Date ID#

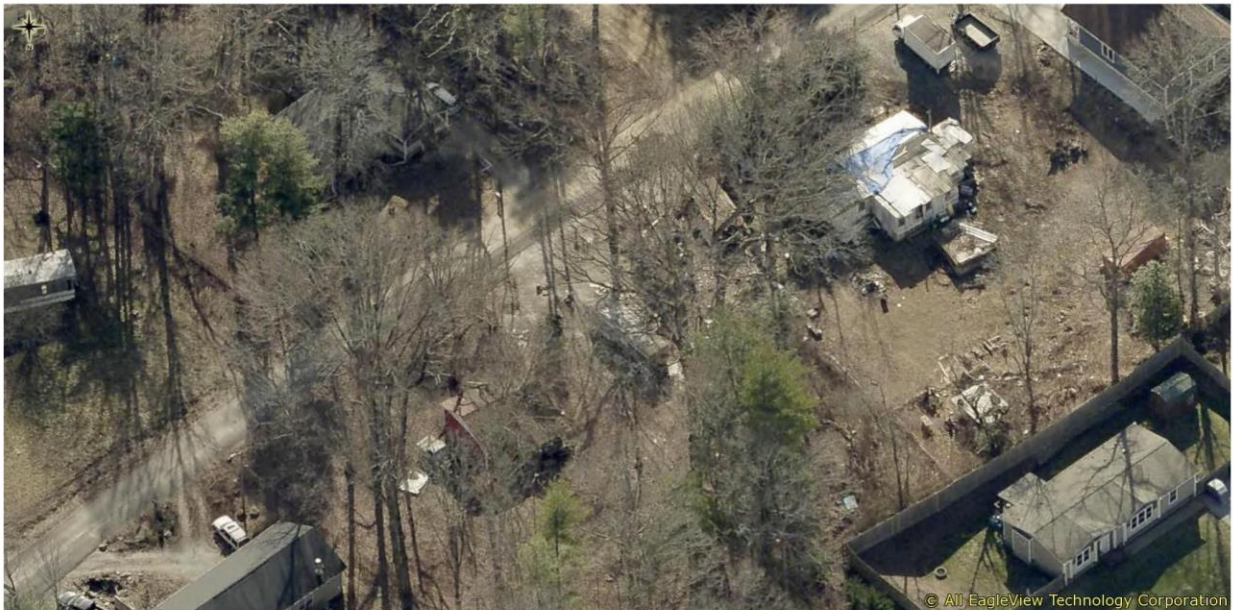
Oblique Photos and Photos of 106 Oakwood Rd

106 Oakwood View from West



01/05/2024

106 Oakwood Rd View from North



01/05/2024

106 Oakwood Rd View from East



01/05/2024



