

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: July 15, 2020
SUBJECT: Amendment of Nuisance Ordinance
PRESENTER: Charles Russell Burrell

SUMMARY OF REQUEST:

The Nuisance ordinance, Chapter 52 of the Henderson County Code, is undergoing revision in light of adoption of Chapter 160D of the North Carolina General Statutes, the effective date of which was recently moved forward. While other changes made be forthcoming, the modification requested here – changing the Court to which appeals can be made, is required to conform to North Carolina law. The change is to §52-9.J. of the Code, which now reads as follows:

J. Further appellate rights. Any party aggrieved by a final decision is entitled to judicial review of the decision. A petition for a writ of certiorari by the party must be filed with the General Court of Justice of North Carolina not more than 30 calendar days after the party receives the final decision from the County Zoning Board of Adjustment.

In the revision, “General Court of Justice of North Carolina” replaces “Court of Appeals”. Otherwise, the section is unchanged.

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

BOARD ACTION REQUESTED:

Adoption of the modified ordinance.

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

I move that the Board adopt the proposed Amendment.