

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: July 20, 2022

SUBJECT: Chronic Violator of Nuisance ordinance -- Remediation

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Estimate

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.

On June 6, 2022, you voted to give notice of chronic nuisance violations to the owners and occupiers of certain property, located at 2794 Sugarloaf Road, Hendersonville, owned as indicated on GIS by Donald R. Heaton and wife, Cathy J. Heaton.

County staff has obtained an estimate for remediation of the nuisance as shown on the attached. You are requested to direct staff to move forward (give final notice, contract with the estimator, then have the nuisance remediated, and place (and enforce) a lien on the property). Enforcing the lien will likely mean obtaining a judgment and forcing a judicial sale of the property, in the absence of cooperation by the owners.

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

BOARD ACTION REQUESTED: Direction to staff.

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

I move that the Board direct staff to proceed with remediation of the nuisance.

