

REQUEST FOR BOARD ACTION
HENDERSON COUNTY BOARD
OF COMMISSIONERS

MEETING DATE: July 16, 2025

SUBJECT: Notice for Chronic Nuisance Property – Eric Eugene Monteith

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Notices of violation (July 25, 2024, September 5, 2024; and February 3, 2025)
Letters sent to property owner (1 per violation)
Photos of the property
GIS oblique view of property

SUMMARY OF REQUEST:

Henderson County’s 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 9630861906, with owner shown as “Eric Eugene Monteith”. 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 is 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:

The Board is requested to give notice to the property owner(s) under NCGS §153A-140.2.

Suggested Motion:

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 NCGS §153A-140.2.

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

Name of Violator / Property Owner: ER.C. Monte. Jr
Street Address: 0 Address
PIN Number: 9630862906

On or about the 25 day of July, 2021 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 8/25/24, 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

Phone Number

[Signature]
Zoning Enforcement Officer

7-25-24
Date

3123
ID#

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

Name of Violator / Property Owner: ER.C. Monteith
Street Address: 0 ADDRESS
PIN Number: 9630862906

On or about the 5th day of Sept, 2021, 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 10/5/21, 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: Penney Sams as soon as possible at 694-6517.

Owner Signature _____

Phone Number _____

[Signature]
Zoning Enforcement Officer

9-524
Date

3123
ID#

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

Name of Violator / Property Owner: E.R.C. Monteith

Street Address: 01 Address

PIN Number: 91630862906

On or about the 30 day of Feb, 2025 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 3 / 3 / 25, 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

[Signature]
Zoning Enforcement Officer

2-3-25
Date

Phone Number

3123
ID#

notice



Henderson County, North Carolina Code Enforcement Services

July 25, 2024

Eric Monteith
638 Spartanburg Hwy suite 70 #181
Hendersonville, NC 28792

RE: Violations at 0 Address, PIN: 9630862906

Dear Property Owner,

I have made a site visit to your property at 0 Address off Banner Farm Road in response to citizen complaints. I observed many vehicles with no tags. I also observed lots of debris and metal items. 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 owners.

Section 52 of the Henderson County Code prohibits to prevent injury and illness to occupants of property and the public and to remove public nuisances. To provide county-wide standards for the abatement of public nuisances including, but not limited to solid waste, junked motor vehicles and abandoned manufactured homes. To establish responsibility of involved parties and assure that people are not unnecessarily exposed to dangers of public nuisances. Your Notice of Violation provides a 30-day compliance period running through **August 25, 2024**. A \$50 per day fine is accruing since the property was found to be in violation. Failure to abate these violations by **August 25, 2024**, will result in a warrant being issued against you for criminal and/or civil charges. Please remember this is your second violation and fines are occurring.

This matter should be relatively easy to resolve. Please contact me at (828) 694-6517 to discuss this issue and avoid further prosecution.

Respectfully,

Penny Sams

Lead Code Enforcement CZO

Penny Sams
Lead Code Enforcement
100 N King St
Hendersonville, North Carolina 28792
psams@hendersoncountync.gov
www.hendersoncountync.gov
(828) 694-6517



Henderson County, North Carolina Code Enforcement Services

September 5, 2024

Eric Monteith
638 Spartanburg Hwy suite 70 #181
Hendersonville, NC 28792

RE: Violations at 0 Address, PIN: 9630862906

Dear Property Owner,

I have made a site visit to your property at 0 Address off Banner Farm Road in response to citizen complaints. I observed many vehicles with no tags. I also observed lots of debris and metal items. 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 owners.

Section 52 of the Henderson County Code prohibits to prevent injury and illness to occupants of property and the public and to remove public nuisances. To provide county-wide standards for the abatement of public nuisances including, but not limited to solid waste, junked motor vehicles and abandoned manufactured homes. To establish responsibility of involved parties and assure that people are not unnecessarily exposed to dangers of public nuisances. Your Notice of Violation provides a 30-day compliance period running through **October 5, 2024**. A \$50 per day fine is accruing since the property was found to be in violation. Failure to abate these violations by **October 5, 2024**, will result in a warrant being issued against you for criminal and/or civil charges. Please remember this is your second violation and fines are occurring.

This matter should be relatively easy to resolve. Please contact me at (828) 694-6517 to discuss this issue and avoid further prosecution.

Respectfully,

Penny Sams

Lead Code Enforcement CZO

Penny Sams
Lead Code Enforcement
100 N King St
Hendersonville, North Carolina 28792
psams@hendersoncountync.gov
www.hendersoncountync.gov
(828) 694-6517



Henderson County, North Carolina Code Enforcement Services

February 3, 2025

Eric Monteith
638 Spartanburg Hwy suite 70 #181
Hendersonville, NC 28792

3rd and Final Notice of Violation at 0 Banner Farm Rd, PIN: 9630862906

Dear Property Owner,

I have made a site visit to your property at 0 Address off Banner Farm Road in response to citizen complaints. I observed many vehicles with no tags. I also observed lots of debris and metal items. 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 owners.

Section 52 of the Henderson County Code prohibits to prevent injury and illness to occupants of property and the public and to remove public nuisances. To provide county-wide standards for the abatement of public nuisances including, but not limited to solid waste, junked motor vehicles and abandoned manufactured homes. To establish responsibility of involved parties and assure that people are not unnecessarily exposed to dangers of public nuisances. Your Notice of Violation provides a 30-day compliance period running through **March 3, 2025**. A \$50 per day fine is accruing since the property was found to be in violation. Failure to abate these violations by **March 3, 2025**, will result in a warrant being issued against you for criminal and/or civil charges. Please remember this is your second violation and fines are occurring.

This matter should be relatively easy to resolve. Please contact me at (828) 694-6517 to discuss this issue and avoid further prosecution.

Respectfully,

Penny Sams

Lead Code Enforcement CZO

Penny Sams
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100 N King St
Hendersonville, North Carolina 28792
psams@hendersoncountync.gov
www.hendersoncountync.gov
(828) 694-6517







View from East



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View from North



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