

Code Enforcement Guide

Code Enforcement has the authority to enforce Henderson County ordinances related to Public Nuisances, Solid Waste, Minimum Housing Standards, and Zoning. All other code sections are enforced either by the Henderson County Sheriff or respective county departments (Animal Services, Environmental Health, Social Services, etc.) This document outlines common code enforcement topics and the actions the department CAN and CANNOT take to address them.

	Code Enforcement Can	Code Enforcement Cannot
In General	<ul style="list-style-type: none"> Address <u>conditions</u> that exist on property that are harmful to the public in general (not just disputes between neighbors) Hold the property owner responsible for correcting a violation 	<ul style="list-style-type: none"> Address <u>aesthetics</u> or looks alone Address behavior of people, such as loud parties, loud noises, criminal activity, trespassing, illegal dumping Issue criminal citations of any sort Make inspections of conditions not visible from the public right-of-way, without permission
Nuisances Henderson County Code § 52		
Debris & Outdoor Storage	<ul style="list-style-type: none"> Address accumulation of debris, human or animal waste, appliances, indoor items stored outside (must meet specific code description) Can remove trash & debris if owner does not abate violation and notice was properly served Can address items improperly stored outside between the property and the right-of-way 	<ul style="list-style-type: none"> Address items customarily kept or designed to be stored outside (lawn furniture, children’s toys, ladders, gas grills, etc.) Remove items if the owner/tenant does not consider them trash or debris
Sanitation	<ul style="list-style-type: none"> Address man-made water conditions that pose health hazard, such as stagnant water in swimming pools, buckets, etc. Sewer leaks on private property Unsecured openings from abandoned cisterns, well pits, sewage treatment systems, or other structures 	<ul style="list-style-type: none"> Address conditions of natural water sources, such as creeks, streams, ponds, etc.
Animals & Infestations	<ul style="list-style-type: none"> Address the accumulation of carcasses of animals, birds or fish not buried or disposed of within 24 hours of death Address infestations of flies, fleas, rodents, other insects, parasites, or vermin 	<ul style="list-style-type: none"> Address the welfare of domestic animals such as dogs and cats (refer to Animal Services) Address barking dogs (refer to Animal Services) Address wild animals (deer, raccoons, rats, etc.)
Abandoned or Junked Vehicles	<ul style="list-style-type: none"> Tow Abandoned or Junked vehicles (must meet specific definition) without a current Vehicle Restoration Permit Tow abandoned (must meet specific definition) manufactured homes Address use of a Recreational Vehicle as a primary residence without permitted water, sewage, or electric connections Address Recreational Vehicles used to store solid waste 	<ul style="list-style-type: none"> Tow vehicles with only an expired or missing tag Tow vehicles that just “look bad” Tow vehicles actually used on a regular basis regardless of condition Tow vehicles where jurisdiction is specifically granted to sheriff’s department Issue parking tickets

Solid Waste Henderson County Code § 95		
Waste Storage	<ul style="list-style-type: none"> • Address improperly stored waste or waste that attracts insects, rodents or other vermin • Address accumulations of rubbish or junk as to become dangerous or injurious to the health of the public. • Remove trash & debris if owner does not abate violation and notice was properly served 	<ul style="list-style-type: none"> • Address unattractive stores of waste that are otherwise secured or removed once per week • Address minimal waste violations (items accidentally windblown from approved storage, incidental spillage during waste collection, etc.)
Waste Disposal	<ul style="list-style-type: none"> • Address burning of solid waste outside of permitted incinerator facilities • Address improper disposal of controlled waste such as motor oil, tires, other items (must meet specific definitions) 	<ul style="list-style-type: none"> • Address illegal dumping in right-of-way (usually perpetrator is not known) • Address proper waste disposal procedures on private property as described in § 95-18
Minimum Housing Standards Henderson County Code § 48		
Minimum Housing	<ul style="list-style-type: none"> • Occupied dwellings - Require maintenance of certain items, such as heat, running water, safe electrical, safe plumbing, smoke detectors, certain mechanical systems, etc. • Occupied dwellings - Require maintenance of certain components, such as stairs, railings, weatherproofing, etc. • Vacant dwellings – Require them to be secured against public entry • Vacant/abandoned dwellings – Require repair of items that pose life/safety issue to the public • Vacant/abandoned dwellings - Require demolition (if repair not feasible) after legal due process 	<ul style="list-style-type: none"> • Get involved in landlord/tenant disputes over money (refer tenant to Legal Aid) • Require older dwellings to be brought to “current code” as long as no unsafe condition is present • Address aesthetics, such as paint color • Make inspections of interior of dwellings without permission, unless evidence exists to obtain an administrative search warrant • Test for or identify mold (but can try to determine if water leak exists) • Cannot always determine cause/source of pest infestation, such as rats, bedbugs, etc. (but can provide educational materials)
Zoning Henderson County Code § 42		
Land Development Code	<ul style="list-style-type: none"> • Address business or structures without zoning approval • Address prohibited uses, such as business use on residential property • Pull commercial signs from public right-of-way • Issue violation notices for other prohibited signs 	<ul style="list-style-type: none"> • Address valid, non-conforming or “grandfathered” uses or structures • If proof of “business” or use cannot be established, case may not hold up in court
Common Complaints Code Enforcement cannot address		<ul style="list-style-type: none"> • Disputes between neighbors over trees, ditches, water run-off, etc. • Land disturbance, erosion & sedimentation issues, etc. • Noise complaints