

**WASHINGTON COUNTY
UNSAFE BUILDINGS & STRUCTURES
PUBLIC NUISANCE ORDINANCE**

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SECTION – 1 DEFINITIONS

The following words, terms, and phrases, whenever used in this ordinance, whether capitalized or not, shall have the meanings specifically ascribed thereto:

- (A) **Public Nuisance:** means any activity or failure to act that adversely affects the public and shall include, but is not limited to, any condition which poses an immediate and direct hazard to human health if left unheeded due to the existence of the condition itself or due to the immediate threat of transmission of disease through insects, animals, or other means of transmission or infections.
- (B) **Building or Structure:** includes within its meaning any subpart or portion thereof

SECTION – 2 POLICY & JURISDICTION

- (A) **Purpose:** This ordinance is enacted to protect the health, safety, and general welfare of the people of Washington County pursuant to the powers granted under applicable law including without limitation NCGS § 153A-366 through NCGS § 153A-372, and 153A-140 and 153A-140.2.
- (B) **Objectives:** The principal objectives of this ordinance are:
 1. To prevent injury and illness to occupants of property and the public by causing the removal and abatement of unsafe and condemned buildings and structures constituting public nuisances in order to assure that the public is not unnecessarily exposed to the dangers thereof.

2. To establish countywide standards, due process, and responsibilities for the involved parties related to the removal and abatement of such unsafe and condemned buildings and structures constituting public nuisances.

(C) **Jurisdiction:** This ordinance shall apply to all property located within the Washington County Zoning Jurisdiction.

SECTION – 3 UNSAFE STRUCTURES PROHIBITED AS PUBLIC NUISANCES

(A) Pursuant to NCGS § 153A-366, the county building inspector shall declare as unsafe, and shall condemn any building or structure, partially destroyed or otherwise, which is found by the building inspector to be especially dangerous to life because of its liability to fire, bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, hazardous conditions, or other causes.

1. Any such declaration by the building inspector shall be deemed an order of condemnation for the purposes of this ordinance and applicable laws, and the building inspector shall have authority, and it shall be his/her duty to take appropriate action, to have the unsafe conditions corrected or removed as herein provided.
2. Additionally, any building or structure so declared as unsafe and condemned, shall be considered and deemed to constitute a public nuisance for the purposes of this ordinance, for as long as the unsafe conditions giving rise to such declaration and condemnation remains uncorrected and unabated.

(B) The creation or maintenance of any condition constituting a public nuisance under this ordinance is hereby specifically prohibited.

SECTION – 4 REMOVAL AFTER CONDEMNATION

(A) **Duty of Owner:** Whenever any building or structure has been condemned by the building inspector, and the existence of such building or structure in a dilapidated state of disrepair or other substandard condition is found and determined by the building inspector or, upon appeal from or report by the building inspector as hereafter provided, by the county commissioners, to be dangerous to life, health or other property, or is in such condition as to constitute a fire safety hazard or public nuisance, the owner or owners of such building or structure shall be required to demolish and remove the same, and remedy such conditions under the regulations and procedures herein provided.

(A) **Authority of County on failure of owner:** In the event such owner fails or refuses to do so within the time directed by the building inspector or by the county commissioners, as herein provided, the county commissioners may, in their judgment, cause the same to be demolished and removed, or may take such other steps as they may find to be necessary to suppress and abate the public nuisance and remove the fire and safety hazard and the danger to life, health, or other property found to exist, and may specially assess the cost

and expense of doing such work against the lot of land on which the building or structure is located. Such costs may be collected and enforced in the same manner as unpaid taxes.

SECTION – 5 NOTICE & HEARING

- (A) Before any building or structure may be ordered to be demolished and removed as provided in this ordinance, the building inspector shall notify the owners thereof, in writing, by certified or registered mail to the last known address of such owner, or by personal service of such notice by the building inspector or his assistant or by posting notice as hereinafter provided, that such building or structure is in such condition as appears to constitute a fire or safety hazard, or to be dangerous to life, health, or other property, or to be a public nuisance, and that a hearing will be held before the building inspector at a designated place and time not less than ten (10) days after the date of such written notice, at which time and place the owner shall be entitled to be heard in person or by counsel upon all legal or factual questions relating to the matter and shall be entitled to offer such evidence as they may desire which is relevant or material to the questions sought to be determined or the remedies sought to be effected.
- (B) If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served, if a copy therefore is posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing and a notice of the hearing is published on time in a newspaper having general circulation in the county at least one week prior to the date fixed for such hearing. Such notice shall state the address or location of the building or structure and the time, place and purpose of the hearing.

SECTION – 6 ORDER TO REMEDY OR DEMOLISH

If, upon such hearing, the building inspector shall find that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard or to be dangerous to life, health or other property or is a public nuisance, he/she shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy such conditions so found to exist by demolishing and removing such building or structure or taking such other steps as may be necessary to abate the public nuisance and remove the hazards, within such period, not less than sixty (60) days, as the building inspector may prescribe.

SECTION – 7 APPEALS – FINALITY OF ORDER NOT APPEALED

- (A) The owner of any building or structure ordered by the building inspector to be demolished and removed, or who is directed by the building inspector to take any other steps to abate a nuisance or remove hazards found by the building inspector to exist, shall have the right of appeal from such orders to the county commissioners, provided, that such owner gives notice of appeal to the building inspector at the time of the hearing at which the order is made, or, within ten (10) days after such order is made, files with the building inspector, a written notice of such appeal. Notice of appeal shall state the grounds therefore.

- (B) Unless an appeal is taken within the time and in a manner herein prescribed, the action of the building inspector shall be deemed final, subject only to such action as the county commissioners may take as herein elsewhere provided. Where an appeal has been properly taken and notice thereof given in accordance with the provisions of this section, it shall be the duty of the building inspector to report the same to the county clerk who shall cause the matter to be placed on the agenda for action by the county commissioners at its next regular meeting.

SECTION – 8 REPORT WHEN OWNER FAILS TO COMPLY

- (A) In the event the owner does not appeal from the final order or direction of the building inspector requiring that the building or structure be demolished and removed or the taking of such other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with such order and direction, it shall be the duty of the building inspector to file a written report thereof with the county clerk who shall cause such report to be placed on the agenda of action by the county commissioners at its next ensuing regular meeting.
- (B) The building inspector shall mail a copy of such report by certified or registered mail to the owner at his last known address, or have a copy of said report delivered to such owner. Such report shall specify the date of the meeting of the county commissioners for which the matter will be docketed for action.

SECTION – 9 ORDER BY COUNTY COMMISSIONERS

- (B) In all cases referred to in this article which reach the county commissioners for action, either upon appeal of the owner from the ruling of the building inspector, or upon report of the building inspector that the owner fails or refuses to comply with his order or direction, the county commissioners shall hear the matter, and if it finds and determines that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard, or to be dangerous to life, health, or other property, or is a public nuisance, and that the owner of such building or structure has failed or refused to abate the nuisance and has failed or refused to have such building or structure demolished and removed, or has failed or refused to take such other steps as may be necessary to abate the nuisance and remove the hazards found to exist, it may cause the demolition and removal of such building or structure to be done, or effect such other remedies as may be necessary to abate the nuisance and remove the hazards, and specifically assess the cost of such work against the lot or parcel of land on which the building or structure was situated. Any such assessment shall constitute a specific lien upon said lot or parcel of land, which may be collected and enforced in the same manner as unpaid taxes.

SECTION - 10 PUBLICATION OF POSTED NOTICE REQUIRED

- (A) In cases in which the building inspector has been unable to give the owner actual notice of hearing in the manner hereinabove provided, and has given such notice by posting and publishing the same as authorized in this ordinance, and the owner has failed or refused to comply with the order or direction of the building inspector to demolish and remove the building or structure, or take such other remedial action as will remove hazards, and such case is referred to the county commissioners for action, the county commissioners shall, before taking action, cause to be posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing, and published one time in a newspaper having general circulation in the county at least one (1) week prior to the date fixed for such hearing, a written notice stating the address or location of the building or structure involved and the time, place and purpose of the hearing and such other information as the county commissioners may deem advisable.

SECTION - 11 PRESUMPTION OF PUBLIC DANGER

- (A) In all cases in which the county commissioners, under authority of this ordinance, causes the demolition and removal of any building or structure to be carried out, or directs such other remedial steps to be taken as may be necessary to abate the nuisance and remove the hazards, it shall be conclusively presumed that the public nuisance and the fire safety hazard and danger to life, health or other property, created and maintained by the continued presence of such building or structure in such condition as is found to exist, constitute a clear and present danger amounting to a situation of emergency involving the public health, safety and general welfare, which requires entry upon private property for the summary abatement and removal of such danger, in the public interest

SECTION - 12 FAILURE TO COMPLY WITH ORDERS, PENALTIES, CONTINUING VIOLATIONS.

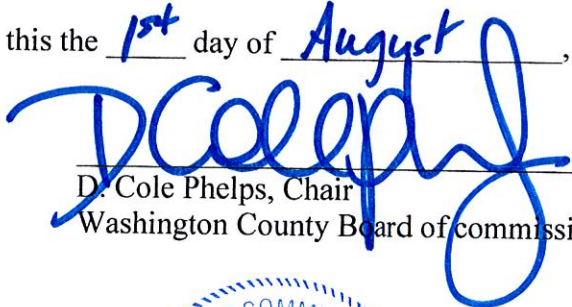
- (A) **Misdemeanor:** It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the building inspector or county commissioners made by virtue and in pursuance of this ordinance, and any person violating this ordinance shall, upon conviction, be punished as provided by Section 14-4 of the General Statutes of North Carolina for the violation of municipal ordinances, and every day such person shall willfully fail or refuse to comply with any final order or direction of the building inspector or county commissioners made by virtue and in pursuance of this article shall constitute a separate and distinct offence
- (B) **Chronic Violators:** Notwithstanding any other provision herein to the contrary, and in addition to, and not in lieu of, any other enforceable rights or remedies, pursuant to NCGS § 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.

SECTION - 13 OTHER PROVISIONS


- (A) **Effective Date:** This ordinance shall be in full force and effect immediately upon its adoption by the Washington County Board of Commissioners.
- (B) **Severability:** If any provision(s) of this ordinance shall be deemed by a court of law having jurisdiction over such matters to be unenforceable, invalid, or unconstitutional for any reason, such determination shall not affect the validity of this ordinance as a whole or any part hereof that is not specifically determined and declared thereby to be unenforceable, invalid, or unconstitutional.
- (C) **Conflict of Laws or Ordinance Provisions:** Whenever the regulations of this ordinance conflict with one another, or with the requirements of any other statute, the more restrictive regulation shall be deemed to control and govern.

THIS ORDINANCE ADOPTED this the 1st day of August, 2016



D. Cole Phelps, Chair
Washington County Board of commissioners

ATTEST:



Julie J. Bennett, CMC, NCCCC
Clerk to the Board

