

ORDINANCE

ESTABLISHING THE PUTNAM COUNTY DILAPIDATED AND ABANDONED BUILDING ENFORCEMENT AGENCY IN ACCORDANCE WITH WEST VIRGINIA CODE §7-1-3ff, AS AMENDED.

WHEREAS, the Putnam County Commission has determined that there are in existence severely dilapidated and abandoned structures located throughout the county which present a safety or health hazard and which have deteriorated to such a degree as to be unsightly, visually offensive and be depressive of the value of the adjacent properties or uses of such properties; and,

WHEREAS, the Putnam County Commission has been authorized by West Virginia Code, Chapter 7, Title 1, section 3ff to enact ordinances regulating the repair, alteration, improvement, vacating, closing, removal or demolition of unsafe or unsanitary structures and the clearance and removal of refuse, debris, overgrown vegetation, toxic spill or toxic seepage on private land; and,

WHEREAS, the Putnam County Commission seeks to protect the public from hazards created by unsafe or unsanitary structures and refuse, debris, overgrown vegetation, toxic spills or toxic seepage on private land;

NOW, THEREFORE, the Putnam County Commission hereby ORDERS:

1. The creation of the PUTNAM COUNTY DILAPIDATED AND ABANDONED BUILDING ENFORCEMENT AGENCY (the "Enforcement Agency") which shall be comprised of the director of the county planning commission, the county health officer or his or her designee, the county engineer (or other technically qualified county employee or consulting engineer), a fire chief from a county company, and two members from the public at large selected by the county commission to serve two-year terms. The county sheriff shall serve as an ex officio member of such agency and the county officer charged with enforcing the orders of the Putnam County Commission under this ordinance.
2. The Enforcement Agency shall be charged with the responsibility of requiring the clearance of any refuse or debris consisting of remnants of any unused or unoccupied dwelling, non-farm building, structure or manmade appurtenance on

all private lands that has accumulated as the result of any natural or manmade force or effect which presents a safety or health hazard or which has deteriorated to such a degree as to be unsightly, visually offensive and be depressive of the value of the adjacent properties or uses of such properties.

3. The procedure to be implemented by the Enforcement Agency, on behalf of the County Commission, shall include the following:
 - a.) The Enforcement Agency shall accept and review written complaints from the general public and other county agencies and shall identify dilapidated and vacant structures as well as debris, overgrown vegetation, toxic spills or seepage on private land in Putnam County that pose a hazard to the community.
 - b.) The Enforcement Agency shall conduct an on-site inspection of the identified dilapidated and vacant properties as well as debris, overgrown vegetation, toxic spills or seepage on private land within thirty (30) days of receiving a written complaint. Any investigation by the Enforcement Agency that requires entrance upon premises shall be made in such a manner as to cause the least possible inconvenience to the persons in possession, but in every instance the Enforcement Agency shall have the power to enter said property in accordance with this ordinance.
 - c.) If a property is determined to be dilapidated and vacant or other conditions as described in this ordinance exist, the Enforcement Agency shall then send the landowner a letter by certified mail informing him that his property has been identified as a nuisance and a possible health hazard.
 - d.) The landowner shall have thirty (30) days to contact the Putnam County Office of Planning & Infrastructure with a plan to clear his property of all hazards.
 - e.) If the landowner fails to respond within thirty (30) days, the Enforcement Agency, after investigation and upon finding a hazard does exist, may prepare a Complaint listing the specific findings of the investigation and making recommendations for clean-up. All Complaints must contain a statement that a hearing is available to the landowner provided written notice is received by the Office of Planning & Infrastructure within ten (10) days.
 - f.) At the direction of the Enforcement Agency, the planning director shall present the Complaint to the County Commission.
 - g.) The County Commission shall then cause the Complaint to be served on the landowners of the property by registered mail in accordance with Rule

4 of the West Virginia Rules of Civil Procedure.

- h) If the planning director receives notice of request for a hearing, in writing and within ten (10) days of the landowner's receipt of the Complaint, then the County Commission shall schedule a hearing on the Complaint within twenty (20) days.
- i) At the hearing, both sides shall be allowed to put on evidence and call and cross-examine witnesses. Furthermore, the hearing shall be conducted on the record by either a court reporter or a recording of the audio portion of the proceedings. The Enforcement Agency has the burden of proving in allegation by a preponderance of the evidence and has the duty to go forward with the evidence. At the conclusion of the hearing the County Commission shall make a findings of fact, determinations and conclusions of law as to whether the dwelling or building or other hazardous situation as described within this ordinance: (1) Is unfit for human habitation due to dilapidation; (2) has defects that increase the hazard of fire, accidents or other calamities; (3) lacks ventilation, light or sanitary facilities; and/or (4) any other conditions prevailing in the dwelling or building, whether used for human habitation or not, and whether the result of natural or manmade forces or effect, which would cause such dwelling or other building to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.
- j) If no notice of request of a hearing is received within ten (10) days by the planning director, then the County Commission may order the landowner to comply with the recommendations in the Complaint.
- k) The landowner must comply with any orders under this ordinance within sixty (60) days.
- l) If the landowner fails to comply within sixty (60) days, the owner shall be subject to a one hundred dollar (\$100.00) per day fine for each day over sixty (60) days that the landowner is not in compliance with the order.
- m) When the landowner fails to comply with the order, the County Commission may advertise for and seek contractors to bring the property into compliance with the order. The County Commission may authorize the selected contractor to enter the land and bring the land into compliance with law.
- n) The County Commission may seek reimbursement from the landowner through civil litigation for all monies expended, including but not limited to contractor's fees, attorney's fees, court costs and civil penalties.

- o) The County Commission has the power and authority to receive and accept grants, subsidies, donations and services in kind consistent with the objectives of this ordinance.


This ordinance shall become effective thirty (30) days after adoption by the Putnam County Commission.

PASSED by the County Commission of Putnam County, West Virginia on FIRST READING on the 23rd day of February, 2000.

A SECOND READING and PUBLIC HEARING was held on the 1st day of March, 2000, after notice of a public hearing on said ordinance was published as a Class II legal advertisement and upon motion of Commissioner Withrow and seconded by Commissioner Beaver.

It is now ordered that the aforesaid ordinance be, and hereby is, APPROVED and ADOPTED by the County Commission of Putnam County, West Virginia.


Entered this 1st day of March, 2000.


 JAMES H. CARUTHERS, JR., PRESIDENT


 CLINTON E. BEAVER, COMMISSIONER


 JAMES A. WITHROW, COMMISSIONER

Inspected By:


 FRANKLIN L. GRITT, JR.
 Counsel to the Commission