

IN THE COUNTY COMMISSION OF PUTNAM COUNTY, WEST VIRGINIA

**ORDER APPROVING UPDATE TO THE
*PUTNAM COUNTY DILAPIDATED & ABANDONED ORDINANCE***

Whereas the **Putnam County Commission** duly gave notice and conducted a public hearing on **March 24th, 2026**; and

Whereas the **Dilapidated and Abandoned Enforcement Agency** presented a report and recommendation to the **Putnam County Commission** at a regularly scheduled meeting on **March 24th, 2026**.

PUTNAM COUNTY DILAPIDATED & ABANDONED ORDINANCE

Putnam County Dilapidated and Abandoned Ordinance

WHEREAS, the County Commission of Putnam County, West Virginia (hereinafter referred to as the “County Commission”) has determined that certain abandoned and severely dilapidated properties located throughout the county constitute a public nuisance and are detrimental to the public safety or welfare; and

WHEREAS, the Putnam County Commission finds it desirable to adopt an ordinance pursuant to the authority granted by West Virginia State Code §7-1-3ff regulating unsafe or unsanitary structures and refuse on private land.

The County Commission hereby establishes the “Dilapidated and Abandoned Enforcement Agency” (hereinafter referred to as “the DAEA Board”) which shall serve as the enforcement agency under West Virginia State Code §7-1-3ff.

Article I – General Provisions

Section 1.0 - Authority

Authority to adopt, administer, and enforce this ordinance is vested in the County Commission pursuant to West Virginia State Code §7-1-3ff.

Section 1.1 – Purpose

The purpose of this ordinance is to protect the public health, safety and welfare of the citizens of Putnam County by establishing procedures for identification, inspection, repair, alteration or improvement, or the vacating and closing, removal or demolition of dwellings or other buildings, and clean-up of refuse, debris, junk, overgrown vegetation, or toxic spillage or seepage on private lands, in accordance with the authority granted to the County Commission under WV State Code §7-1-3ff.

Section 1.2 – Abrogation and Greater Restrictions

This ordinance supersedes any dilapidation ordinance currently in effect in the county. Any ordinance, however, shall remain in effect to the extent that its provisions are more restrictive.

Section 1.3 – Applicability

It shall be unlawful for any owner, tenant, or occupant of private land within the unincorporated areas of Putnam County to allow or maintain any structure, dwelling, building, or accumulation of refuse, debris, junk, or overgrown vegetation in such condition that is unsafe, unsanitary, or otherwise constitutes a threat to public health, safety, or welfare.

Section 1.4 – Scope

- a) This ordinance shall apply to all private land within the unincorporated areas of Putnam County, West Virginia, and where the County Commission has authority to regulate unsafe or unsanitary structures, accumulations of refuse or debris, junk, overgrown vegetation, or toxic seepage or spillage.
- b) Agricultural operations as defined in §19-19-2 of the West Virginia State Code remain exempt from this ordinance.
- c) The County Commission may also accept and review complaints and take action on dilapidated and abandoned properties within municipalities where a memorandum of understanding exists in which the municipality seeks the aid of the County Commission.

Section 1.5 – Matters not specifically provided for

Where conditions are encountered that are not specifically provided for herein, the DAEA Board shall determine the applicability of the provisions of this ordinance in accordance with its intent and shall require the landowner to take appropriate measures pursuant to such determination.

Article II. Interpretations and Definitions

Section 2.1 - Interpretations

For purposes of this ordinance, the following interpretations shall apply:

1. Words used in the present tense include the future tense
2. The singular includes the plural
3. The plural includes the singular
4. The term “shall” or “will” is always mandatory
5. The word “building” or “structure” shall be construed as if followed by the phrase “or part thereof”
6. The word “ordinance” shall refer to the Dilapidated and Abandoned Ordinance

Section 2.2 – Definitions

Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this ordinance its most reasonable application.

Agriculture - the production of food, fiber and woodland products, by means of cultivation, tillage of the soil and by the conduct of animal, livestock, dairy, apiary, equine or poultry husbandry, and the practice of forestry, forest management, horticulture, logging, packing, shipping, milling, and marketing of agricultural products conducted by the proprietor of the agricultural operation, or any other legal plant or animal production and all farm practices.

Building or Structure - any structure on a parcel of land that has one or more walls.

County Commission - The County Commission of Putnam County, West Virginia.

DAEA Board - the enforcement agency established under this ordinance.

Debris - any accumulation of broken, scattered, or discarded materials, including but not limited to lumber, brick, concrete, metal, glass, asphalt, roofing, or other construction or demolition waste; downed trees or branches; and other similar materials that by reason of placement, condition, or quantity may create a fire hazard, harbor pests, or otherwise endanger public health, safety, or welfare.

Dwelling - a building or part of a building (including mobile/manufactured homes) used exclusively as a residence for human habitation.

Ex officio - "by virtue of one's office or position." An ex officio member serves on a board, commission, or committee by reason of holding another office or position, rather than by separate appointment.

Inspector - any person designated or authorized by the County Commission or the DAEA Board to perform inspections, investigations, or site evaluations under this ordinance.

Junk - any old, abandoned, discarded, worn-out, or unusable item or material kept, stored, or accumulated for salvage, resale, or parts, including but not limited to scrap metal, appliances, machinery, vehicles or vehicle parts, tires, equipment, or other personal property not in functional condition or not currently in use for its intended purpose.

Landowner - the person or entity holding legal title to the property in question or the person or entity having a proprietary interest in the property which gives the right to control the premises.

Manufactured home - a factory-built dwelling constructed after June 15, 1976.

Mobile home - a factory-built dwelling constructed on or before June 15, 1976.

Notice - a written notice delivered by certified mail, return receipt requested, or personal service, as provided herein.

Overgrown vegetation - excessive growth of weeds, brush, grass, or other plant matter that: (1) exceeds a height or density likely to harbor rodents, snakes, insects, or vermin; (2) creates a fire or visibility hazard; or (3) otherwise constitutes a nuisance or threat to

the public health, safety, or welfare. This term does not include managed agricultural crops, forestry growth, or native vegetation maintained in accordance with agricultural or conservation practices.

Private land - land that is not publicly owned by a governmental entity within unincorporated areas of the County (and, where applicable, as defined herein).

Refuse - any putrescible or non-putrescible waste material resulting from normal domestic, agricultural, commercial, or industrial activities, including garbage, rubbish, paper, plastics, cans, bottles, packaging, discarded household items, and similar waste that is not properly contained or disposed of in accordance with county or state law.

Toxic seepage or spillage - the release, discharge, leakage, escape, migration, or dumping of any hazardous substance or hazardous material, whether liquid, solid, or gaseous, onto or into soil, groundwater, surface water, or the ambient air, such that the condition may endanger human health, public safety, or the environment.

Unsafe or Unsanitary Structure - any dwelling, building, mobile/manufactured home, or other structure, whether occupied or vacant, that by reason of physical condition, neglect, or abandonment has become a hazard to the health, safety, or welfare of the public or of occupants. Including, but not limited to, structures that: (1) Are so dilapidated, damaged, decayed, or neglected as to be in danger of partial or total collapse; (2) Contain broken, missing, or unsecured doors or windows that allow access by trespassers, rodents, or vermin; (3) Lack adequate ventilation, light, sanitary facilities, or utilities necessary for human habitation; (4) Exhibit conditions likely to cause fire, structural failure, or other hazards to adjoining properties; (5) Contain accumulations of refuse, debris, junk, or standing water creating unsanitary or unsafe conditions; or (6) Have been abandoned or left unoccupied for such period and in such condition as to pose a danger or nuisance to the surrounding area.

Article III. DAEA Board Membership; Duties; Meetings

Section 3.1 – DAEA Board

(a) Membership. The DAEA Board shall consist of the following members selected by the County Commission for two-year terms:

1. The County Engineer (or other technically qualified county employee or consulting engineer)
2. The County Health Officer (or designee)
3. The Fire Chief of a county fire company (or designee)
4. The County Litter Control Officer (or designee)
5. Two members-at-large, one of whom shall have a background in, or knowledge of, agricultural operations as defined in §19-19-2 of the West Virginia Code.
6. The County Sheriff shall serve as an ex-officio member of the DAEA Board and as the county officer charged with enforcing the orders of the Commission under this ordinance.

(b) Duties. The DAEA Board shall:

1. Establish procedures for receiving complaints concerning potentially unsafe or unsanitary structures, refuse, junk or debris accumulations, overgrown vegetation, or toxic seepage or spillage.
2. Initiate on-site inspections of properties subject to complaints.
3. Prepare written inspection reports and written recommendations to the County Commission regarding findings, corrective action or demolition/removal, timeline for compliance, and cost estimates if applicable.
4. Maintain records of complaints filed, inspection reports, recommendations, landowner notifications, and actions taken as public record.

Section 3.2 – Meetings

1. Members of the DAEA Board shall meet monthly in public session. The time and place are to be determined by the membership.
2. A majority attendance shall constitute a quorum.
3. At the monthly meeting, the DAEA Board shall review complaints, inspection reports, and landowner responses concerning any unsafe or unsanitary structures, accumulation of refuse or debris, junk, overgrown vegetation, or toxic seepage or spillage located on private lands.
4. Determine whether conditions exist as described and make recommendations for the repair, alteration, or improvement, or the vacating and closing or removal or demolition, or clean-up of refuse, debris, junk, overgrown vegetation, or any combination thereof, and written communication shall be sent to the landowner(s).
5. Take formal action by vote on matters before it, including but not limited to the following:
 - a. Determining the validity of a complaint based on the findings of the inspector or staff;
 - b. Recommending corrective actions and establishing reasonable timeframes for compliance;
 - c. Extending or modifying previously allocated timeframes for good cause shown;
 - d. Dismissing a case upon satisfactory completion of the recommended corrective action within the allotted time; and
 - e. Referring a case, with written findings and recommendations, to the County Commission for further consideration or enforcement action.
6. Keep minutes of its proceedings and records of all official actions. All minutes and records shall be retained as public record.

Article IV. Complaint, Inspection, and Notice Procedures

Section 4.1 - Receipt of Complaint

1. The DAEA Board shall accept and review written complaints submitted by members of the general public or by state or county agencies alleging that any structure or building is unsafe or unsanitary, or that an accumulation of refuse, debris, junk, overgrown vegetation, or toxic spillage or seepage exists on private property. Upon receipt of a written complaint, the DAEA Board shall conduct an initial review and schedule an on-site inspection within thirty (30) calendar days.
 - (a) Complaints shall be submitted on forms provided by commission staff.

(b) Complaints shall be signed by the complainant if the complainant requests notice of subsequent proceedings.

(c) All complaints shall be maintained as public records.

2. Anonymous complaints may be accepted; however, anonymous complainants shall not be eligible to receive notice of proceedings.
3. If a complaint alleges any toxic spills or seepage conditions, a referral to the appropriate governmental agency for action is required within thirty (30) days of receipt of the written complaint.

Section 4.2 – On-Site Inspections

1. If the complaint alleges that any of the above-listed conditions other than toxic spills or seepage exist, the inspector acting on behalf of the DAEA Board under this ordinance shall have the power to investigate and to conduct on-site inspections of the reported unsafe or unsanitary structures and the accumulated refuse, debris, junk, or vegetation on private land.
2. Any inspection 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, any member of the DAEA Board, or the inspector, shall have the power to enter said property in accordance with this Ordinance.
3. Upon inspection of a property subject to a complaint, the inspector may determine that:
 - a. A violation exists; or
 - b. No violation exists; or
 - c. A violation exists, but the complaint is invalid due to one or more of the following:
 - 1) Conditions do not have a demonstratable impact on public health or safety.
 - 2) Property not reasonably accessible by vehicle for inspection.
 - 3) Density and proximity of surrounding dwellings limit adverse impact.
 - 4) Conditions are harmonious with neighboring properties.
 - 5) The issue affects only private interests (e.g., aesthetics, overgrown lawn) and not public health or safety.

A determination that a complaint is invalid shall be documented in writing, stating the basis for the finding, and maintained in the official record. The complainant, if requested, shall be notified of the determination. The determination of the inspector may be appealed to the DAEA Board.

Section 4.3 – Landowner Notice

Notice of violation shall be served on the owner by certified mail, return receipt requested, or personal service and shall state:

- a. The date, time, and place of the DAEA Board meeting; and
- b. The address or legal description of the property in question; and
- c. A summary of the DAEA Board's inspection findings; and
- d. The owner's right to appear, to submit materials or to speak at the meeting; and
- e. The possibility of enforcement action (including fines, authorized demolition/cleanup, and lien) if owner fails to comply; and

- f. Requirement of written response from landowner(s) within thirty (30) days of receipt of the notice.

Section – 4.4 DAEA Board Meeting

At the meeting the DAEA Board shall review the inspection report and the landowner's response and make recommendations for the repair, alteration or improvement, or the vacating and closing or removal or demolition, or clean-up of refuse, debris, junk or overgrown vegetation or any combination thereof and set a compliance deadline (not to exceed 60 calendar days except in extraordinary circumstances).

If compliance is achieved within the allotted time, or any additional time granted, the DAEA Board may vote to dismiss the case.

Refer to Appendix A for a flowchart summarizing the steps outlined in this Article.

Article V. Escalation

If the owner fails to comply with the recommendations of the DAEA Board within time allotted, the DAEA Board may vote to forward the matter to the County Commission for further consideration.

Section 5.1 – Complaint

1. At the direction of the DAEA Board, the county litter control officer, county engineer, or other technically qualified county employee shall petition the County Commission to accept and file a Complaint on behalf of the DAEA Board.
2. The complaint shall:
 - a. include the address or legal description of the property; and
 - b. state the findings and recommendations of the DAEA Board; and
 - c. that unless the landowner(s) files a written request with the Putnam County Clerk for a public hearing within ten (10) calendar days of receipt of the Complaint, an Order will be issued by the County Commission implementing the recommendations of the DAEA Board.
3. Upon consideration of the petition and a preponderance of the evidence presented, the County Commission may order the Complaint to be accepted and filed, impose additional conditions or recommendations, return the matter to the DAEA Board for further consideration, or take any other action deemed necessary.
4. The complaint, supporting documents, and order signed by the County Commission shall be entered onto record in the Putnam County Clerk's Office, and the landowner(s) of the private land in question shall be served with a certified copy of recorded documents via certified mail, return receipt requested, or personal service.
5. If the landowner(s) fails to file a written request for a public hearing within ten (10) days of receipt of those recorded documents, the matter is added to the agenda, and the County Commission may order the landowner to comply with the recommendations in the Complaint.
 - a. The order shall be entered onto record with the Putnam County Clerk and served on the landowner via certified mail, return receipt requested, or personal service.

6. If the landowner(s) of the property files a written request for a public hearing with the Putnam County Clerk, the County Commission shall issue an order to schedule the hearing within twenty (20) days.
 - a. Upon scheduling of the landowner's requested public hearing, written confirmation which states the date, time, and location of the hearing shall be sent to the landowner(s).

Section 5.2 – Public Hearing

1. At the requested public hearing before the County Commission, each party has the right to present evidence.
2. A representative of the DAEA Board has the burden of proving its allegation by a preponderance of the evidence and has the duty to go forward with the evidence.
3. At the conclusion of the hearing, the County Commission shall make findings of fact, determinations, and conclusions of law as to whether any structure or building is unsafe, unsanitary, or that an accumulation of refuse, debris, junk, overgrown vegetation, or any condition that is detrimental to the public safety or welfare exists on the subject property.
4. The County Commission may order the landowner(s) to repair, alter, improve, vacate, remove, close, clean up, or demolish the dwelling or building in question or to remove or clean up any accumulation of refuse, junk, or debris, or overgrown vegetation within a reasonable time.
5. Any Order given by the County Commission shall be entered onto record in the Putnam County Clerk's Office, and the landowner(s) of the private land in question shall be served with a certified copy of recorded documents via certified mail, return receipt requested, or personal service. The landowner is formally notified of the right to appeal the decision to the Putnam County Circuit Court within thirty (30) days.
6. If the landowner(s) fails to perform the duties and obligations set forth in the County Commission's order, the County Commission may proceed with enforcement as provided in Article VI of this ordinance.
7. Appeals from the County Commission to the circuit court shall be in accordance with the provisions of §58-3-1 of West Virginia State Code.

Refer to Appendix B for a flowchart summarizing the steps outlined in this Article.

Section 5.3 – Repeat Offenders

A. Definition.

A person or entity shall be considered a *repeat offender* if, within a two (2) year period, they are:

1. The titled owner, equitable owner, or controlling interest holder of a property for which a violation of this ordinance has been confirmed by the DAEA Board; and
2. Found responsible for a subsequent violation under this ordinance involving the same property.

B. Registry of Repeat Offenders.

The DAEA Board shall maintain a *Registry of Repeat Offenders*, listing the names of individuals, partnerships, corporations, limited liability companies, or other entities,

and property addresses and/or legal descriptions found in violation of this ordinance two (2) or more times within a two (2) year period. The registry shall be a public record and may be referenced during subsequent enforcement proceedings involving the same party.

C. Referral to County Commission

1. Upon determination by the inspector that a violation exists and that the landowner qualifies as a repeat offender under this ordinance, a formal Complaint shall be forwarded directly to the County Commission by the inspector, together with the inspector's written findings, inspection reports, and any photographic or documentary evidence to be added to the next available meeting agenda.
2. The County Commission shall review the evidence and determine whether a violation exists and, if so, what corrective measures are required to bring the property into compliance with this ordinance.
3. Upon such determination, the County Commission may, by order entered upon its minutes, issue an Order to Accept and File the Complaint requiring the property owner to repair, alter, or improve, or vacate and close, or remove or demolish any unsafe or unsanitary structure or accumulation of debris, refuse, or junk within thirty (30) days of service.
4. The Complaint shall also authorize the County Commission to advertise for and seek contractors to perform the necessary repairs, alterations, improvements, removal, or cleanup if the owner fails to comply within the prescribed period.
5. The Order shall be signed by the Commissioners, entered upon the record in the Putnam County Clerk's Office, and shall include the following:
 - i. The address or legal description of the subject property;
 - ii. A statement describing the nature of the violation;
 - iii. A statement that the violation constitutes a repeat offense under this ordinance;
 - iv. A statement specifying the corrective action required to bring the property into compliance within thirty (30) days of receipt;
 - v. A statement advising that failure to comply within the prescribed period may result in enforcement action by the County Commission as provided in Articles V and VI of this ordinance; and
 - vi. A statement advising that the landowner(s) may file a written request with the Putnam County Clerk for a public hearing within ten (10) calendar days of receipt of the Order.
6. The Order shall be served upon the landowner(s) by certified mail, return receipt requested, and may also be posted in a conspicuous location on the property.
7. Appeals from the County Commission to the circuit court shall be in accordance with the provisions of §58-3-1 of West Virginia State Code.

Refer to Appendix C for a flowchart summarizing the steps outlined in this Article.

D. Penalty Enhancement

A person or entity classified as a repeat offender shall be subject to double the monetary penalties established in Article VI of this Ordinance.

Article VI. Penalties for Violations

Upon the failure of the landowner(s) of the private land to perform the ordered duties and obligations as set forth in the order of the County Commission, the County Commission may:

- a. Impose daily civil monetary penalties on the landowner(s) of up to one hundred dollars (\$100).
- b. Enter any contract with any contractor to accomplish the ordered repairs, alterations, or improvements or the ordered demolition, removal, or cleanup.
- c. Cause the private land in question to be subject to a lien for the amount of the contractor's costs, together with any daily monetary civil penalty imposed.
- d. Order and decree the sale of the private land in question to satisfy the lien.
- e. Take any other action deemed necessary.

Section 6.1 – Additional Remedies and Provisions

- A. All costs incurred by the County for inspection, notice, administrative processing, abatement, cleanup, demolition, or removal of refuse, debris, junk, or unsafe structures shall be assessed against the landowner(s).
- B. The County Commission shall certify such costs to the County Clerk, who shall record the amount as a lien against the property. The lien shall have the same force and effect as taxes levied upon the land and shall be collected in the same manner as other county taxes.
- C. The Commission may bring a civil proceeding in circuit court to enforce the lien, order sale of land, permit entry onto the land to make repairs, demolition, or clean-up, and recover costs, attorneys' fees, and court costs.
- D. Nothing in this ordinance shall prevent the Commission from pursuing other remedies permitted under state law or equity, including injunctive relief or criminal penalties if applicable.
- E. The Commission may accept grants, subsidies, donations, and services-in-kind consistent with the objectives of this ordinance, pursuant to §7-1-3ff(i).

Article VII. Effective Date and Severability

This ordinance shall become effective on the **24th** day of **March 2026**, after adoption by the Putnam County Commission and publication as required by law.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional, the remainder of the ordinance shall not be affected thereby and shall remain in full force and effect.

The Commission may from time to time amend this ordinance consistent with state law.

DAEA COMPLAINT & INSPECTION FLOW CHART

COMPLAINT RECEIVED

- Written complaint is submitted by the public or a county agency.
- Must use official complaint form (if complainant requests notice, complainant shall sign form)
- On-site inspection occurs within 30 days.
- If toxic spill or seepage is reported, DAEA refers the matter to the proper agency within 30 days.

STEP 1

NOTICE TO LANDOWNER

- If violation found, landowner notice sent by Certified Mail, return receipt requested or in person by personal service.
- Notice includes:
 - Date/time of DAEA Board meeting
 - Property details and findings
 - Owner's right to appear or submit response
 - Possible penalties if no action taken
 - Landowner's written response required within 30 days

STEP 3

INSPECTION

- Inspector visits the property and takes photos of property to verify the complaint.
- Inspector completes inspection form
- Inspector determines:
 - violation exists
 - no violation exists
 - violation exists, but complaint is invalid

Inspector's decision may be appealed to the DAEA Board.

STEP 2

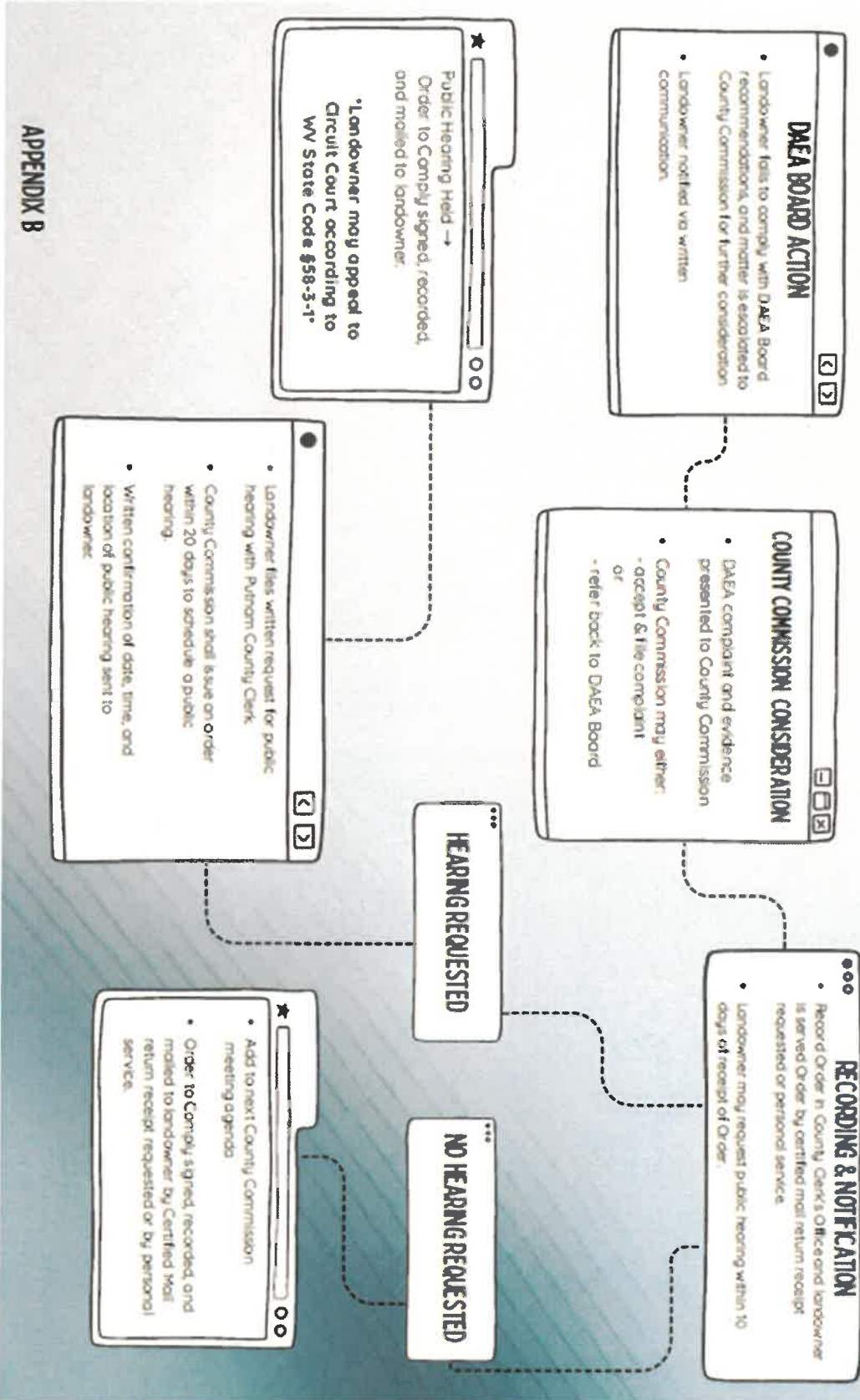
DAEA BOARD MEETING

- Board reviews inspection report and landowner's response.
- Board decides next action: repair, cleanup, demolition, or closure.
- Compliance deadline set.
- If property is brought into compliance, case may be dismissed.
- If property is not brought into compliance, case may be escalated to County Commission.

STEP 4

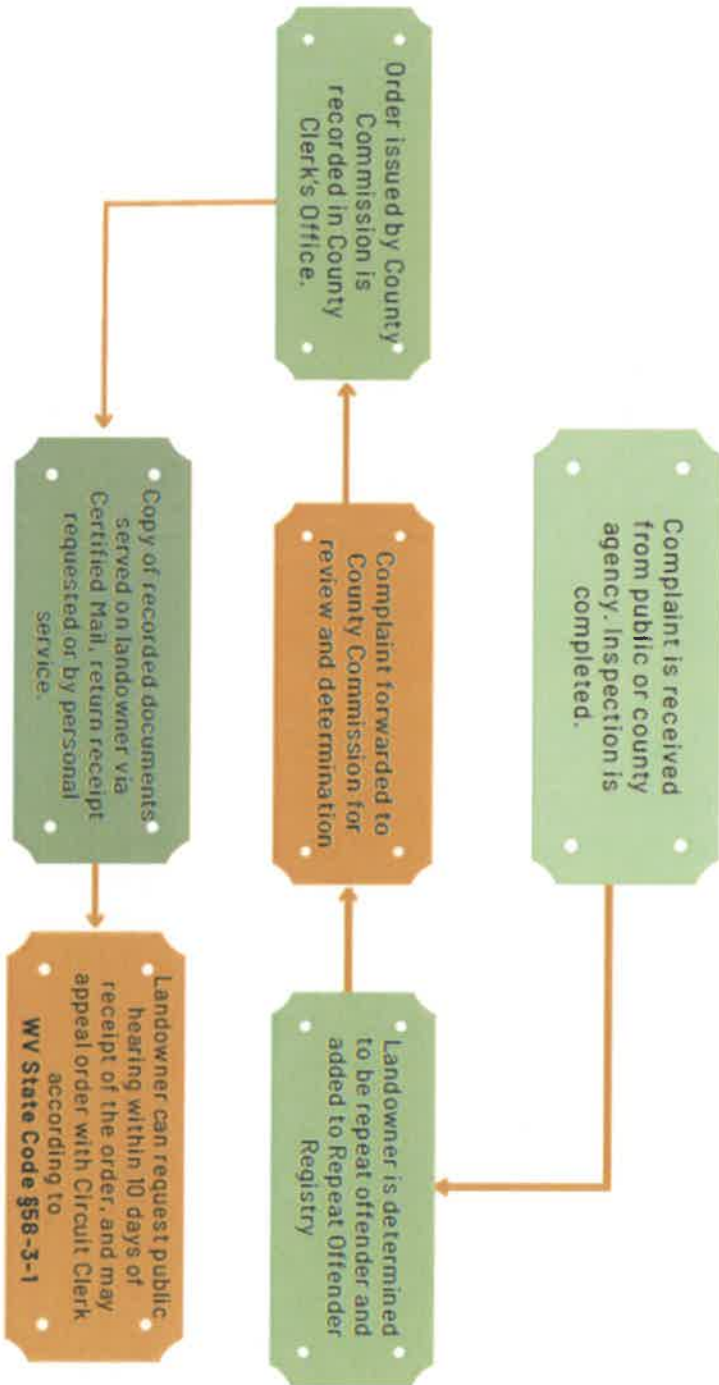
APPENDIX A

DAEA COMPLAINT ESCALATION PROCEDURE



APPENDIX B

REPEAT OFFENDER FLOW CHART



APPENDIX C

ORDER

This **Putnam County Commission** summary is hereby **ADOPTED** and incorporated by reference.

It is therefore **ORDERED** that this proposed update to the **Putnam County Dilapidated & Abandoned Ordinance** be **adopted and approved**.

Entered **NUNC PRO TUNC** as of this **24th day of March 2026**.



Andrew Skidmore, President



C. Brian Ellis, Commissioner



Doug Pierson, Commissioner

Inspected by:

