

At the Regular Session of the County commission of Kanawha County, West Virginia, held at the Courthouse thereof, on the 23rd day of July, 1998, the following order was made and entered:

**SUBJECT: ESTABLISHING THE KANAWHA COUNTY ENFORCEMENT AGENCY
AND PROCEDURES GOVERNING THE AGENCY IN ACCORDANCE
WITH W.V. CODE §7-1-3(ff) AS AMENDED.**

The following motion was offered by _____:

WHEREAS, the County Commission has been authorized by West Virginia Code, Chapter 7, Title 1, Section 3 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 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 Kanawha County Commission hereby ORDERS:

- (a) the creation of the Kanawha County Enforcement Agency which shall be comprised of the Executive Director of the Kanawha County Planning Committee, the County health officer or his or her designee, a fire chief from a County fire company, and two members at large selected by the County Commission to serve two year terms;
- (b) the procedure used by the Enforcement Agency and the County Commission for clearing abandon property in Kanawha County shall be as follows:
 - (1) The Enforcement Agency, created above, shall identify those properties in Kanawha County that pose a hazard to the community;
 - (2) The 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 (letter attached as Exhibit A);
 - (3) The landowner has thirty (30) days to contact the Planning Commission with a plan to clear his property of all hazards;
 - (4) If the owner fails to respond within thirty (30) days, the Agency shall then investigate the property through visitation or other reasonable means to determine if a hazard exists. During the visits to the property, the investigator shall make a reasonable effort not to disturb the possessor of the land;
 - (5) At the conclusion of the thirty (30) day period, the Agency shall request the County Commission cause a title search be performed for the purpose of identifying all interested parties;
 - (6) The 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 (Complaint form attached as Exhibit B). All

Complaints must contain a statement that a hearing is available to the landowner provided written notice is received by the County Clerk within ten (10) days:

- (7) At the direction of the Enforcement Agency, the Executive Director of the Planning Committee shall present the Complaint to the County Commission;
- (8) The County Commission shall then cause the Complaint to be served on the owners of the landowners by registered mail in accordance with Rule 4 of the West Virginia Rules of Civil Procedure;
- (9) If the County Clerk receives notice of request of 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;
- (10) 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;
- (11) If no notice of request of a hearing is received by the County Clerk within the ten (10) day period, then the County Commission may order the landowner to comply with the recommendations in the Complaint;
- (12) The landowner must comply with any orders under this ordinance within a reasonable time. A reasonable time means sixty (60) days;
- (13) If the landowner fails to comply within sixty (60) days, the owner will be subject to a one hundred dollars (\$100.) per day fine for each day over sixty (60) days that the landowner is not in compliance with the order.
- (14) When the landowner fails to comply with 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.
- (15) 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; and,
- (16) 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.

The adoption of the foregoing motion having been moved by Henry C. Shores,
Commissioner, and duly seconded by Louis H. Bloom, Commissioner, the vote
thereon was as follows:

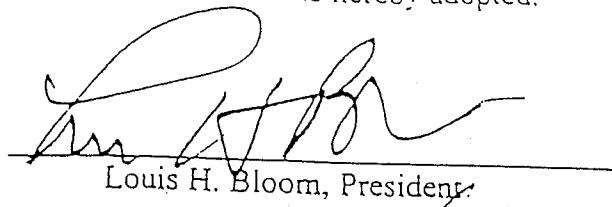
Louis H. Bloom, President Aye

Henry C. Shores, Commissioner Aye

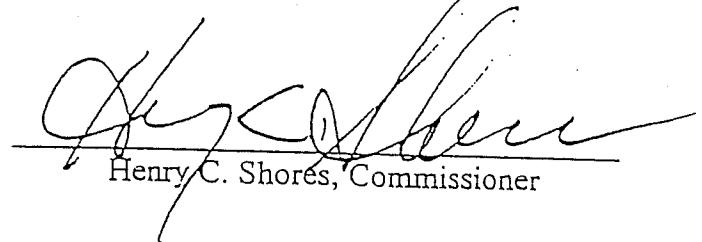
W. Kent Carper, Commissioner

WHEREUPON, Louis H. Bloom, President, declared said motion duly adopted; and it is

therefore ADJUDGED and ORDERED that said motion be, and the same is hereby adopted.



Louis H. Bloom, President



Henry C. Shores, Commissioner

W. Kent Carper, Commissioner

Approved By:

