

## **CITIZENS' GUIDE**

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## **RALEIGH COUNTY PROPERTY SAFETY ORDINANCE**

### **Background:**

A bill was passed by the West Virginia Legislature granting County Commissions authority to regulate unsafe or unsanitary structures and refuse on private land. Therefore, Raleigh County has a six-member Enforcement Agency to receive citizen complaints (see Citizen Complaint Form); their findings/recommendations are presented to the County Commission for legal action. This Citizens' Guide was developed to summarize the procedures.

### **Purpose:**

The purpose is to give the citizens a way to report unsafe or unsanitary structures and refuse on private land: and provide enforcement action through the County Commission. Note: unsafe structures can be dwellings, buildings, tree houses, campers, etc. If warranted, the County Commission is authorized to order the repair, alteration, cleanup or removal of the building or property in question at the property owner's expense or to impose other remedies if the property owner fails to make the necessary improvements.

### **What area is covered by this ordinance?**

This ordinance applies to unincorporated areas of Raleigh County. This ordinance does not apply to municipalities of Beckley, Mabscott, Sophia, or Lester.

### **The Process:**

1. Potentially unsafe property conditions may be brought to the attention of the Enforcement Agency via the complaint of a citizen (see Citizen Complaint Form). The merits of complaints are then considered by the Enforcement Agency at its next scheduled meeting, which is open to public participation. Depending upon the circumstances, the Enforcement Agency may initiate an immediate investigation, table the complaint for later consideration or reject the complaint for lack of merit.

2. If initiated, the property owner is informed of the general nature of the complaint and plans of the Enforcement Agency to inspect the property at a particular time to investigate the allegations set forth in the complaint. The findings will be presented to the Enforcement Agency to become a part of the investigative report.
3. The owner is responsible to offer an agreement with the Enforcement Agency to remedy deficiencies within a designated period of time.
4. The investigative report will be reviewed by the Enforcement Agency at its next monthly meeting. Based on the findings of this investigation as well as on any public input at the meeting, the Enforcement Agency, by a majority vote of the members present, will decide to either (1) dismiss the citizen's complaint, (2) continue the matter over to a later meeting, or (3) determine that the property in question is a threat to the public health, safety and welfare and should be repaired, altered, improved, vacated, closed, cleaned up or demolished. If the latter determination is made, the Enforcement Agency should incorporate its findings and recommendations into a report to be included with a petition/complaint to the County Commission for their consideration.
5. If indicated, the Enforcement Agency representative shall file in the Office of the Clerk of the County Commission a petition/complaint on behalf of the Enforcement Agency seeking an order of the County Commission requiring the property owner to remedy the identified deficiencies within a reasonable time.
6. If filed, the County Commission will hold a public hearing to consider the Enforcement Agency's petition/complaint allowing the owner at least 10 days to reschedule if needed. At the conclusion of the hearing, the County Commission shall make findings of facts, determinations and conclusions of law as to the most appropriate course of action.
7. The County Commission has the authority to order the owner to remedy the identified deficiencies within a reasonable time. The property owner has the right to appeal to the Circuit Court any order of the County Commission.
8. If the property owner fails to perform the ordered duties and obligations prescribed by the County Commission, the Commission may make the ordered repairs, alterations or improvements or the ordered demolition, removal or clean up.
9. A civil proceeding may then be brought in the Circuit Court by the Commission against the property owner to secure a lien against the property in question for the amount of the contractor's costs, legal expenses and the monetary penalty imposed. Additionally, the Commission will seek permission for the contractor to enter the property in question at any time to make the necessary improvements and for the Commission to sell the property to satisfy the lien. Finally, the Commission has the legal authority to institute a civil action against the property owner for all costs incurred by the Commission.

**Will this ordinance correct all of the problems in Raleigh County associated with abandoned/dilapidated housing, junk vehicles, trash, etc?**

Unfortunately, the answer to this question is no. The work of the Enforcement Agency will by necessity have to be self- supporting since no funding has been budgeted to support this Agency. Accordingly, the Enforcement Agency is dependent on voluntary compliance by property owners and/or the capacity of the prescribed sanctions to generate enough resources from the momentary penalties, liens and/or the sale of the property in question to cover the costs associated with fixing up, cleaning up or demolishing abandoned or dilapidated housing. In most situations, this program is expected to operate on a deficit, making these projects financially troublesome. Despite this limitation, the Enforcement Agency is committed to correcting problems associated with unsafe structures to the fullest extent possible.

**Citizen's Guide for the Raleigh County Property Safety Ordinance**

*The Raleigh County Property Safety Enforcement Agency*