

# WARREN COUNTY NORTH CAROLINA

## ABANDONED MANUFACTURED HOME ORDINANCE



ORIGINAL ADOPTION - MAY 5, 2008

AMENDED - SEPTEMBER 14, 2009

## **Section 1 General Requirements**

**Section 1.1 Authority:** Warren County hereby exercises its authority to enact abandoned manufactured home regulations pursuant to N.C.G.S 153A-121, N.C.G.S 153A-123, and N.C.G.S. 153A-140.

**Section 1.2 Jurisdiction:** The jurisdiction of this Ordinance shall be described as any part of Warren County not within the corporate limits of any municipality. In addition, the Governing Board of any municipality may by resolution permit this Ordinance to be applicable within the municipality.

**Section 1.3 Short Title:** This Ordinance shall be known as the Abandoned Manufactured Home Ordinance of Warren County, North Carolina, and may be cited as the Abandoned Manufactured Home Ordinance.

**Section 1.4 Purpose:** The purpose of this Ordinance is to promote the public safety, health, and welfare of the citizens of Warren County through the regulation of abandoned manufactured homes in the county. All abandoned property defined herein is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of Warren County. This Ordinance is adopted pursuant to the authority contained in N.C.G.S. 153A-121, N.C.G.S. 153A-123, and N.C.G.S. 153A-140.

## **Section 2 Definitions**

**Section 2.1 Definitions:** The following words, terms, and phrases shall have the following meanings when used in this Ordinance:

- A. **Manufactured Home:** Pursuant to N.C.G.S 143-145(7)(2009): A structure, transportable in one or more sections, which in the traveling mode whose body is 8 feet or more in width or 40 feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. Such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Department of Housing and Urban Development (HUD) and complies with the standards established under that Federal agency. For purposes of this Ordinance, “manufactured home” includes both factory-built single-family structures built to meet standards established under The National Manufactured Housing Construction and Safety Standards Act of 1974 and manufactured homes built prior to the effective date of those standards (June 15, 1976). The Federal Standards became effective on June 15, 1976, and all homes with a date of manufacture on or after this date were required to have a HUD label indicating compliance with the standards.
- B. **Abandoned Manufactured Home:** A manufactured home that has not been used as a dwelling for at least 180 days and is found to be a nuisance because it is in a wrecked, scrapped, disassembled, unusable, cannibalized, burnt, inoperable, or un-repairable state, or creates or fosters one or more of the following conditions:
  - 1. A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
  - 2. A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height;

3. The collection of pools or ponds of water;
4. Concentrated quantities of gasoline, oil, or other flammable or explosive materials;
5. A source of danger for children because of the possibility of entrapment or injury from exposed sharp surfaces of metal, glass, or other rigid materials;
6. A source of danger from the home, or parts thereof, falling or turning over;
7. An accumulation of garbage, food waste, or any other rotten or putrefied matter of any kind;
8. Accumulation of sewage or animal waste;
9. Concentrated quantities of hazardous materials;
10. The presence of dead animals; and, shall include:
11. Any manufactured home specifically declared a public health, safety, or welfare hazard by the Board of County Commissioners or a duly authorized county official or employee.

**NOTE:** Manufactured homes that are abandoned as defined herein shall be considered personal property and, if previously characterized as real property for tax or other purposes, shall forfeit that characterization.

- C. **Demolition Collection Center:** A demolition collection center is a manned or unmanned facility used for the collection, separation, and short-term storage of recyclables or demolition debris but does not include on-site processing.
- D. **Demolition Contractor:** An entity or individual contracted either with the County of Warren or a property owner to perform the service of deconstruction, removal, and/or recycling of a structure or scrap debris. Demolition Contractors shall obtain a valid demolition permit through the Warren County Planning/Zoning and Code Enforcement Department prior to starting the abatement process.
- E. **Dilapidated Manufactured Home:** A manufactured home which is unfit for human habitation or use and cannot be repaired, altered or improved to comply with all of the minimum standards except at a cost in excess of 50% of its value, as determined by finding of the Warren County Planning and Zoning Administrator and/or Code Enforcement Officers.
- F. **Enforcement Officer:** The Warren County designated authority to include the Director of Public Works, Planning and Zoning Administrator, Code Enforcement Officers, Environmental Health Department Director and/or County Sheriff's Deputies.
- G. **Scope of Services Agreement:** A written and properly executed contract between Demolition Contractor and Warren County which governs the deconstruction and removal of abandoned manufactured homes. Said contract specifies the process of the proper demolition and removal of an abandoned manufactured home. Guidelines, requirements, and standard operating procedures are specified within this contract.

### **Section 3 Regulated Activities**

**Section 3.1 Administration:**

- A. The rules and regulations prescribed in this Ordinance shall be enforced by the Warren County Sheriff's Department, Warren County Planning/Zoning Department, Warren County Environmental Health Department, Warren County Public Works Department and other appropriate agencies having duties and responsibilities in the areas of enforcement. These agencies are hereby empowered to issue citations upon a violation of this Ordinance and are jointly and mutually responsible for the administration and enforcement of this Ordinance.

- B. Nothing in this Ordinance shall be construed to limit the legal authority of powers of officers or the employees of the county or state in enforcing other laws or in otherwise carrying out their duties with regard to abandoned manufactured homes.

**Section 3.2 Abandoned Manufactured Homes Unlawful; Removal Authorized:**

- A. It shall be unlawful for the registered owner or persons entitled to the possession of an abandoned manufactured home, or for the registered owner, lessee, or occupant of the real property upon which an abandoned manufactured home is located, to cause or allow a manufactured home to be an abandoned manufactured home.
- B. A manufactured home shall be considered abandoned if it has not been connected to either water or electrical utilities for a period in excess of 180 days.

**Section 3.3 Notice, Hearing, Appeal, Lien on Property:**

- A. Upon determining that a violation of this Ordinance exists, the Warren County Director of Public Works, Planning and Zoning Administrator, Code Enforcement Officers, Environmental Health Department Director and/or County Sheriff's Deputies shall issue a written notice of violation to (1) the registered owner or person(s) entitled to possession of the abandoned manufactured home; and (2) the registered owner, lessee, or person(s) entitled to the land on which the abandoned manufactured home is located.
- B. Notice shall be effectuated by hand delivery, service of process, or certified mail, return receipt requested, pursuant to N.C.G.S. 1A-1, Rule 5 (2009).
- C. The notice shall: (1) identify the property and describe the abandoned manufactured home(s) located thereon to be removed, abated, or remedied; (2) direct that the abandoned manufactured home(s) be removed, abated, or remedied; (3) provide a reasonable time period in which to comply, not to exceed one hundred twenty (120) days; (4) state that the continued violation of the provisions of this Ordinance is a misdemeanor punishable by a fine for each abandoned manufactured home not to exceed \$100.00 and imprisonment up to thirty (30) days. Each day the violation exists constitutes a separate offense; (5) state that in order to prevent any further enforcement action, the abandoned manufactured home must be repaired or removed from the property and properly disposed of at a permitted landfill that accepts construction and demolition debris; and (6) notify the violator(s) of the right to appeal the basis of the notice to the Planning/Zoning Department Administrator, provided the appeal is made within fifteen (15) calendar days of receipt of the notice.
- D. If the name or whereabouts of the owner, tenant, possessor, or occupant cannot after due diligence be discovered, the notice shall, in addition to the above, include the date, time, and location for a hearing before the Planning/Zoning Department Administrator or other designated official on the matter. The notice shall be considered properly and adequately served if a copy thereof is conspicuously posted on the property in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the county at least once not later than one week prior to the hearing.
- E. The owner, tenant, possessor, occupant, or agent of the owner may appeal a notice to the Planning and Zoning Administrator for decision. The owner or his/her agent may either rely on written materials or appear before the Planning and Zoning Administrator for a hearing at which he/she shall be heard in person or by counsel and may present arguments and evidence pertaining to the matter. The only appealable issues are: (1) whether the person is actually entitled notice, and/or; (2) whether the action or condition that serves as the basis of the notice is dangerous or prejudicial to public health, safety, or welfare. It matters not whether an owner caused the manufactured home to be on the property or has a possessory interest in the condition creating the abandoned manufactured home. Neither is a defense.

- F. The Planning and Zoning Administrator shall, within fifteen days of the date of the hearing or the date of the written appeal if a hearing is not requested, issue an order either canceling the notice or directing the violator(s) to remove, abate, or remedy the identified manufactured home. The owner, tenant, possessor, or occupant may appeal decisions of the Planning and Zoning Administrator to the Warren County Manager within fifteen days of the decision. An appellant may further appeal the decision of the Warren County Manager to the Warren County Board of Commissioners.
- G. If an abandoned manufactured home is not removed, abated, or remedied during the time period provided by the initial notice, or within thirty days following the last decision rendered by either the Planning and Zoning Administrator or Warren County Board of Commissioners from which an appeal has not been taken, then, pursuant to N.C.G.S. 153-A-140 and subject to the provisions of Article 57 of Chapter 106 of the General Statutes, the County may enter the property and remove, abate, or remedy everything related to the abandoned manufactured home that is dangerous or prejudicial to the public health or safety. The expense of such action shall be paid by the violator(s), and shall, if not paid, be a lien upon the property or premises where the abandoned manufactured home was located and shall be collected as unpaid taxes.
- H. Any person or entity that lawfully removes an abandoned manufactured home pursuant to this Ordinance shall not be held liable for damages resulting from such removal of the abandoned manufactured home to the owner, lien holder, or other person legally entitled to the possession of the abandoned manufactured home removed; however, any person who, without due care, negligently or intentionally inflicts injury upon any person or real property in the removal of such abandoned manufactured home, may be held liable for damages.

**Section 3.4. Enforcement:**

- A. Enforcement of this Ordinance shall rest with those governmental agencies and personnel authorized to exercise police powers to include the Warren County Sheriff's Department, Planning/Zoning and Code Enforcement Department, Public Works Department, and Department of Environmental Health. Said authority shall include the police powers:
  - 1. To investigate the condition(s) of the building(s) and/or premises in question, and to inspect dwellings and dwelling units under the jurisdiction of Warren County in order to determine which building(s) for human habitation and/or use are in violation of this Ordinance and for the purpose of carrying out the objectives of this Ordinance with respect to the repair, closing or demolition of each such building.
  - 2. To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of buildings and/or abatement of conditions in violation of this Ordinance.
  - 3. To keep a record of the results of inspections made under this Ordinance and an inventory of those building(s) which are in violation of the provisions of this Ordinance.
  - 4. To administer oaths and affirmations examine witnesses and receive evidence.
  - 5. To enter upon premises for the purpose of making examination and inspections; provided, such entries are made in accordance with this Ordinance and state law, and in such manner as to lessen the inconvenience to the persons in possession;
  - 6. To appoint and fix the duties of such officers, agents, and employees as deemed necessary to assist in carrying out the purposes of this Ordinance, and to delegate any of the functions and powers to such officers, agents and employees; and

7. To perform such other duties as may be prescribed herein or by the Warren County Board of Commissioners and as is directed by the Warren County Manager.
  8. Warren County Sheriff's Deputies, as the law enforcement agency with powers of arrest, shall notify the Public Works Director, Planning and Zoning Administrator and Code Enforcement Officer (s) of potential violations of this Ordinance.
  9. Warren County Director of Environmental Health is prescribed to assist the above stated County agencies and representatives in matters of determining adequate/inadequate installation of septic systems and wells, in addition to notifying the Public Works Director, Planning and Zoning Administrator and Code Enforcement Officer (s) of potential violations of this Ordinance.
- B. The provisions of this Ordinance shall be enforced by the inspection of property and by observation of persons who are engaged in or responsible for a violation of an action or condition that is prejudicial to public health, safety, or welfare. Enforcement personnel are empowered to issue citations, warning citations, or letters of warning when any of the provisions of this Ordinance have been violated. Citations shall be delivered by enforcement officials in person to the alleged violator or delivered by registered mail return receipt requested to the person so charged. Any citation of violation so delivered or mailed shall direct the alleged violator to appear in district court on or before a specific day or hour named in the citation. The period so specified shall not be less than seventy-two (72) hours after its delivery to the violator.
- C. Where enforcement personnel determine that a violation is a first offense for the person charged, a written letter or warning citation shall be issued. Such warning letter or warning citation shall state therein the nature of the violation, the corrective measures to be taken, and the time and date when corrections are to be completed. Failure to comply with the corrective measures stated in such warning notices shall be just cause for enforcement personnel to issue a citation for violation of this Ordinance.
- D. The Planning/Zoning and Code Enforcement Department shall cause all citation forms to be serially numbered and accounted for. The Warren County Finance Director or his representative may periodically inspect these records to determine the disposition of the forms and shall report the result of such inspection to the Warren County Manager. For the purpose of this inspection, the Warren County Finance Director shall have access to all necessary records and files.

#### **Section 4 Identification Process:**

**Section 4.1 Inspection** - Inspections of abandoned and dilapidated manufactured homes shall conform to regulations set forth in the duties and responsibilities of the Warren County Planning/Zoning and Code Enforcement Department to research and investigate complaints on abandoned and dilapidated manufactured homes.

#### **Section 4.2 Inspections: Duty of Owners and Occupants:**

**4.2.1** Every owner shall periodically inspect all buildings and premises that are owned by them and intended for human habitation or human use, to ensure compliance with this Ordinance.

**4.2.2** Every occupant or tenant of a building for human habitation or human use shall give the owner thereof, or his agent at all reasonable hours access for the purpose of making repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful order issued pursuant to the provisions of this Ordinance.

**4.2.3** For the purpose of making inspections, upon determination of a potential violation by an Enforcement Officer as defined in this Ordinance, a Warren County Code

Enforcement Officer is hereby authorized to enter, examine and survey for human habitation or human use, at all reasonable times, all unoccupied buildings and premises outwardly appearing to come within the definition herein of Abandoned Manufactured Home.

**NOTE:** When permission to inspect a dwelling or its premises is denied, the Code Enforcement Officer shall obtain a warrant to inspect, as G.S. 153A-121(a) (2009) grants police powers to the County. Further, where a non-owner tenant-occupant grants permission to inspect, no warrant shall be required, pursuant to In Re Dwelling, 24 N.C. App. 17 (1974)(consent of the tenant-occupant in actual possession and control of the premises is sufficient to authorize an inspection without a warrant, notwithstanding the fact that the owner has objected to the warrantless search). When faced with a situation where permission to inspect is denied, Code Enforcement Officers are advised to seek the advice of the Warren County Attorney, prior to seeking a warrant to inspect.

Additionally, a representative from the Warren County Planning/Zoning and Code Enforcement Department may inspect properties at the request of the property owner(s) for the purpose of applying for assistance to voluntarily remove an abandoned or dilapidated manufactured home.

Warren County Code Enforcement Officers shall perform a site inspection to verify the status of a manufactured home. If the inspection reveals that the criteria of an abandoned or dilapidated manufactured home are present, the home will be declared as such.

## **Section 5 Deconstruction Methods**

A. **Demolition Contractors:** To ensure proper demolition, removal, and recycling methods are taken, only (approved licensed) Demolition Contractors are eligible to provide deconstruction services. To minimize damage to surrounding property during deconstruction, only the approved and bonded Demolition Contractors with a Warren County Demolition permit will be eligible to remove and recycle debris under this program. Contractors are approved based on the ability to perform required deconstruction requirements. Approved Demolition Contractors must have the ability to deconstruct the abandoned manufactured home on-site or at designated deconstruction sites. All hazardous materials must be removed from the structure prior to deconstruction. Any such materials must be properly removed from the demolition site and transported to a Demolition Center licensed to receive such materials.

B. **Standard Operating Procedures:** Approved Demolition Contractors operate under a Scope of Services Agreement. The following guidelines are set forth by Warren County to serve as standard operating procedures for the demolition and recycling of abandoned or dilapidated manufactured homes. Contractors must agree to the terms and procedures specified within the agreement prior to performance of any services that may be assigned by Warren County Public Works Department or Planning/Zoning and Code Enforcement Department. **NOTE:** **Should a property owner be unable to provide for the cost of demolition and removal, the property owner may petition Warren County to provide or assist in providing services. Warren County reserves the right to determine the number of manufactured housing units to be abated on a given parcel and services provided will be contingent upon available funding provided to Warren County through the North Carolina Solid Waste Trust Fund.**

## **Section 6 Notification**

**Section 6.1 Notification:** Warren County Public Works Department or Planning/Zoning and Code Enforcement Department will notify all interested authorized and bonded contractors of the

bidding process for the demolition, removal, and recycling of abandoned manufactured homes. Contractors may be notified through United States Postal Service mail, electronic mail or fax for a request to submit bids. Contractors will be notified of the property location, ownership, and contact information and may contact the property owner(s) in order to obtain information necessary to submit a bid for the demolition, removal, and recycling of the manufactured home. Warren County Public Works Department or Planning/Zoning and Code Enforcement Department will accept bids by authorized contractors that are received through United States Postal Service mail, electronic mail or fax. The contractor awarded the project will be notified by telephone or United States Postal Service mail by an authorized agent of Warren County.

**Section 6.2 Site Survey for Voluntary Demolitions:** Before being awarded a contract, the contractor must provide proof of bonding to the County. Once the contractor is awarded the project, the contractor must notify the property owner(s) prior to the demolition, removal, and recycling of the abandoned manufactured home. A site survey must be conducted with the property owner(s) present to identify any utility connections including marking the placement of a septic tank and/or septic field. The property owner(s) is responsible for ensuring that all utility connections are disconnected and notifying the contractor when such measures have been taken. The contractor must be notified by the property owner(s) of any possible hazards. The contractor may not access the property through an adjoining property without proper consent from that adjoining-property owner.

## **Section 7 Involuntary Demolitions**

**Section 7.1 Preliminary Investigation; Notice; Hearing:** When a petition is filed with the Warren County-Public Works Director, Planning and Zoning Administrator or a Warren County Code Enforcement Officer by an Enforcement Officer as defined in this Ordinance or by at least five (5) residents of Warren County charging that any manufactured home for human habitation or use, or whenever it appears to an Enforcement Officer as defined in this Ordinance, upon inspection, that any manufactured home for human habitation or use, is unfit for human habitation he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties of interest in such manufactured home a complaint stating the charges and containing a notice that a hearing will be held before the Planning and Zoning Administrator at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant in courts of law or equity. The North Carolina Rules of Evidence shall not be controlling in hearings before the Planning and Zoning Administrator.

**Section 7.2 Procedure after Hearing:** After such notice and hearing, the Planning and Zoning Administrator shall state in writing his determination whether the manufactured home is unfit for human habitation or use, and, if so, whether it is deteriorated or is dilapidated.

- (1) ***Deteriorated.*** If the Planning and Zoning Administrator determines that the manufactured home is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, improve or other wise abate such home to comply with the minimum standard of fitness established by this Ordinance within a specified period of time, not to exceed one hundred-twenty (120) days. The order may also direct and require the owner to vacate and close such home until such repairs, alterations, and improvements or corrections have been made.



- (2) ***Dilapidated.*** If the Planning and Zoning Administrator determines that the manufactured home is dilapidated, he shall state in writing his finding of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter, improve or otherwise abate such conditions as to comply with the minimum standards of fitness established by this Ordinance, or else to vacate and remove or demolish the same within a specified period of time not to exceed one hundred-twenty (120) days.

**Section 7.3 Failure to Comply with Order:** If an abandoned or dilapidated manufactured home is not removed, abated or remedied during the time frame provided by the Planning and Zoning Administrator, an *In Personam* or *In Rem* remedy may be carried out according to this Ordinance and the powers and duties of the Warren County Director of Public Works, Planning and Zoning Administrator, Code Enforcement Officers, Environmental Health Department Director and/or County Sherriff's Deputies. As authorized by N.C.G.S. 153A-140 and this Ordinance, the County may enter the property and remove, abate or remedy everything related to the abandoned manufactured home that is dangerous or prejudicial to public health, safety, or welfare, cost of which shall constitute and be filed as a valid lien, in favor of the County, against the real property upon which such expense was incurred.

**Section 7.4 Abatement Process:** Once the contractor is awarded the project, the contractor must notify the Warren County Public Works Director and Planning and Zoning Administrator prior to the demolition, removal, and recycling of the abandoned manufactured home. A site survey must be conducted with the Planning and Zoning Administrator, Code Enforcement Officer, and Environmental Health Director present to identify any utility connections including marking the placement of a septic tank and/or septic field.

**Section 7.5 Deconstruction:** The following shall apply to abandoned manufactured homes whether completely intact or partially deconstructed:

- (a) The contractor shall attempt to remove any recyclable materials from the abandoned manufactured home prior to demolition. Recyclable materials may include but are not limited to: metal, glass, wood, plastics, and thermostats containing mercury switches.
- (b) The contractor shall deconstruct the home in a manner to minimize airborne debris.
- (c) The demolition debris shall be contained on-site in a manner that would not cause any adverse effects or injury to adjoining properties.
- (d) All materials must be delivered to a certified landfill or recycling center.

The deconstruction contractor will bring the landfill receipt(s) to the Warren County Public Works Department upon completion. The deconstruction process shall be carried out in a manner as to cause the least amount of disturbance or least amount of damage to the subject property. (NOTE: Any adverse effects or injury to adjoining properties caused by the contractor's failure to contain the demolition debris shall be the sole responsibility of the contractor and not the County.)

**Section 7.6 Removal:** All demolition debris shall be removed from the site, by the Demolition Contractor, on a vehicle capable of safely transporting materials from the demolition site to a certified landfill or recycling center. During transportation, all debris must remain covered with a tarp or fabric and shall be properly secured, so as not to allow any debris to fall from the vehicle. All debris from any of the deconstructed components must be removed from the property.

**Section 7.7 Lot Condition:** The Demolition Contractors are required to level, compact, or fill any portion of the property that is affected by the deconstruction and removal of debris. The

contractor shall take all measures possible to minimize any unnecessary disturbance of soil or vegetation on the property. The contractor is required to remove and replace any contaminated soil that results from the spillage of any fluids or hazardous materials from equipment associated with performing the demolition or removal of debris.

**Section 7.8 Liability:** The Demolition Contractor shall provide and maintain a level of insurance that will cover any and all damage or injuries that may occur to property or persons while performing the service of demolition and removal of the abandoned manufactured home. Warren County shall be identified in a hold harmless agreement and contractor's proof of insurance provided to the County shall show Warren County has been added to the policy as an additional insured. Contractor is responsible for any and all damage which may occur to the property that is outside the specified area of demolition. Neither the Demolition Contractor nor any of the Demolition Contractor's employees are agents or employees of Warren County. Warren County shall not be held liable for any actions or damage that may occur as a result of the demolition and removal of an abandoned manufactured home.

### **Section 8: Alternative Remedies**

Neither this Ordinance nor any of its provisions shall be construed to impair or limit in any way the power of Warren County to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this Ordinance by criminal process as authorized by G.S. 153A-123 and the Effective Date this Ordinance, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

### **Section 9 Penalties**

#### **Section 9.1 Penalties:**

- A. **Civil penalty:** The County may assess a civil penalty for each abandoned manufactured home of \$50.00 for first offense violations of this Ordinance, \$100.00 for the second offense, and \$50.00 for each subsequent offense, which amount may be recovered by the county in a civil action in the nature of a debt. Each day in which the violation occurs or continues shall constitute a separate offense. No civil penalty shall be assessed prior to notice of violation by citation or letter.
- B. **Injunction and order of abatement:** The provisions of this Ordinance may be enforced by injunction and order of abatement.
- C. **Criminal penalties:** Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine for each abandoned manufactured home of not more than \$50.00 for the first offense, \$100.00 for the second offense, and \$50.00 for each subsequent offense, or imprisonment up to 30 days. Each day in which the violation occurs or continues shall constitute a separate offense.

**Section 9.2 Ordinance Cumulative:** Procedures set forth in this Ordinance shall be in addition to any other remedies that may exist under law or other ordinance for the abatement of public nuisances or for the removal of abandoned manufactured homes.

### **Section 10 Administration**

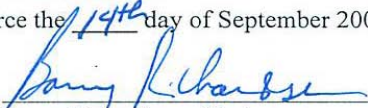
**Section 10.1 Severability:** Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

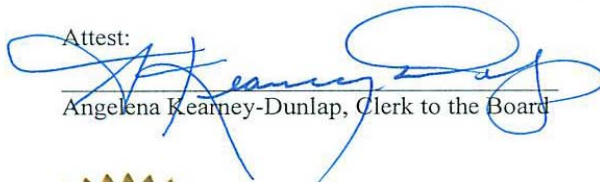
**Section 10.2 Conflict with Other Laws:** Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the most restrictive or those imposing higher standards shall govern.

**Section 10.3 Amendments:** The Warren County Board of Commissioners may periodically amend the terms of this Ordinance and shall adopt no amendment to this Ordinance until a public hearing properly announced has been held on the proposed amendment.

**Section 11 Effective Date**

This Ordinance shall take effect and be in force the 14<sup>th</sup> day of September 2009.

  
\_\_\_\_\_  
Barry Richardson, Chairman  
Warren County Board of Commissioners

Attest:  
  
\_\_\_\_\_  
Angelena Kearney-Dunlap, Clerk to the Board

