

AN ORDINANCE PROVIDING PROCEDURES FOR IDENTIFYING PUBLIC
NUISANCES AND FOR THE ABATEMENT OF SUCH NUISANCES

BE IT ORDAINED AND ORDERED

BY THE COUNTY COMMISSION OF HARRISON COUNTY, WEST VIRGINIA, A
PUBLIC BODY CORPORATE OF HARRISON COUNTY, WEST VIRGINIA that,

WHEREAS, by enacting Chapter Seven of the West Virginia Code, as amended, the
Legislature has declared public nuisances to be a serious threat to public health, safety and
welfare;

NOW, THEREFORE, an ordinance providing procedures for identifying public nuisances
and for abatement of such nuisances is enacted, as follows:

**ARTICLE 1. AUTHORITY, EFFECTIVE DATE, TITLE, PURPOSE,
JURISDICTION AND SEVERABILITY.**

Section 1.1 Authority

This ordinance is adopted pursuant to the authority granted in Chapter Seven, Article One,
Section 3kk of the West Virginia Code, as amended.

Section 1.2 Effective Date

This ordinance shall become effective thirty (30) days after the date on which the County
Commission of Harrison County adopts it.

Section 1.3 Title

This ordinance shall be titled and cited as the Harrison County Nuisance Ordinance.

Section 1.4 Purpose

The purpose of this ordinance is to protect the health, safety and welfare of Harrison
County, West Virginia residents by providing a procedure for identifying and removing
public nuisances.

Section 1.5 Jurisdiction

This ordinance applies to all buildings and land within Harrison County, West Virginia and
not wholly within the boundaries of a municipal corporation except for: buildings or land

owned by the United States Government or any department, division or agency thereof; buildings or land owned by the State of West Virginia or any political subdivision, agency or instrumentality thereof; buildings or land owned by a municipal corporation.

Section 1.6 Severability

If any article, section, subsection or provision of this ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

ARTICLE 2. INTERPRETATION AND DEFINITIONS

Section 2.1 Interpretation

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

- (A) Words used in the present tense include the future tense.
- (B) The singular includes the plural.
- (C) The plural includes the singular.
- (D) The word "person" includes a natural person, corporation, unincorporated association chartered association, general partnership, limited partnership, limited liability company, joint venture, joint stock company, club company, business trust, or any manager, agent, servant, officer or employee of any of them.
- (E) The term "shall" is mandatory and the term "may" is permissive.
- (F) The word "county" refers to Harrison County, West Virginia.
- (G) If any provision of this ordinance conflicts with a provision of any other county ordinance which establishes a more stringent standard for protection of the health and safety of county residents, such other ordinance shall prevail. If any provision of this ordinance conflicts with a provision of any other county ordinance which establishes a less stringent standard for protection of the health and safety of county residents, this ordinance shall prevail; and such other provisions are hereby declared to be repealed to the extent they conflict with this ordinance.

Section 2.2 Definitions

As used in or in conjunction with this ordinance, unless the context clearly requires otherwise, the following words or phrases shall mean:

- (A) Commission the duly elected County Commission of Harrison County, West Virginia
- (B) County Clerk the duly elected Clerk of the County Commission of Harrison County, West Virginia.
- (C) Health Department A Board of Health organized pursuant to Chapter 16, Article 2 or Article 2A of the West Virginia Code
- (D) Planning Commission the Harrison County Planning Commission created pursuant to Chapter 8, Article 24 of the West Virginia Code.
- (E) Public Nuisance any thing, any act, any failure to act, any occupation or use of property which shall annoy, injure or endanger the safety, health, comfort or repose of the public at large and shall be deemed to include, but shall not be limited to, diseased animals running at large; decayed food offered for sale to the public; ponds, pools of water or vessels holding stagnant water in which mosquitoes can breed; carcasses of animals not buried or otherwise disposed of in a sanitary manner within eighteen hours after death; accumulations of manure or rubbish which are breeding places for flies, mosquitoes or vermin; privy vaults and garbage cans which are not airtight; the pollution of any body of water, stream, creek or river by sewage, industrial wastes, or other substances; noxious weeds and other rank growth of vegetation upon public or private property; dense smoke, noxious fumes, gas, soot or cinders in such quantities as to render property unsafe to be occupied; any condition of the structure, including appurtenances, considered an attractive nuisance to children, such as abandoned wells, shafts, basements, excavations or unsafe open structures; any structure having unsanitary or unauthorized sewerage or plumbing facilities; any structure that is unsafe for human habitation; any structure that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecure so as to endanger life, limb or property; any structure in a state of dilapidation, deterioration, decay, faulty construction, overcrowded, open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the structure and surrounding premises; noise of such volume and of such duration that it prevents the enjoyment of the premises; and all other acts, omissions to act, occupations and uses of property which are in fact a menace or detriment to the public health, safety and welfare, create conditions of slum and blight, or effect the quality of life for citizens in Harrison County.