

ORDINANCE NO. 26-004

TOWN OF WHITE HALL, WEST VIRGINIA AN ORDINANCE UPDATING 19-005 DEFINING AND PROHIBITING PUBLIC NUISANCES AND PROVIDING FOR ABATEMENT AND COSTS

WHEREAS, the Town Council is committed to becoming more vigilant respecting matters involving property, dwellings, or buildings that serve as nuisances to the citizens of the Town of White Hall; and

WHEREAS, the Town of White Hall West Virginia supports proper maintenance on properties and unoccupied structures within the Town of White Hall;

NOW THEREFORE, be it ordained by the Town Council of White Hall, West Virginia, as follows:

SECTION 1: PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town, or within the police jurisdiction of the Town.

SECTION 2: PUBLIC NUISANCES DEFINED.

(a) Generally. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
- (2) In any way render the public insecure in life or in the use of property; or
- (3) Greatly offend the public morals or decency; or
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(b) Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances but shall not be construed to exclude other health nuisances coming within the definition of subsection (a) hereof.

- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (2) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four hours after death;

(3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease- carrying insects, rats or other vermin may breed; or which may constitute a fire hazard;

(4) All stagnant water in which mosquitoes, flies or other insects can multiply;

(5) Garbage cans which are not fly-tight;

(6) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;

(7) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

(8) Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town;

(9) Any barn, stable yard, shed, pen or other place where animals or fowl are kept which is not maintained in a clean condition; or any animals or fowl which because of disease, unsanitary conditions, odor or noise, discomfort or injure the health or well-being of residents of the Town;

(10) All abandoned wells not securely covered or secured from public use; any obstruction to watercourses, drainage ditches or ravines;

(11) All noxious weeds as defined by the laws of the State or ordinances of the Town.

(12) Building materials not being used for immediate construction shall be stored in an enclosed accessory or other structure.

(13) Tarping shall not constitute a storage structure for the purposes of this section and the use of tarping for such purposes is to be prohibited.

(14) Upholstered furniture constructed for interior use, carpeting, mattresses, box springs, clothing and any such fabric items shall be stored in residential dwellings or accessory structures designed for such purposes and shall not be stored or placed on the exterior of a structure. Structures intended for such storage shall be constructed so as to be secure from the elements and rodent infestation.

(c) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but

such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) hereof.

(1) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;

(2) All use or display of fireworks except as provided by the laws of the State and ordinances of the Town;

(3) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;

(4) All wires over streets, alleys or public grounds which are strung less than fifteen feet above the surface of the street or ground;

(5) All loud and discordant noises or vibrations of any kind;

(6) All debris or foreign matter or excess water in, and all obstructions of, streets, alleys, sidewalks, or crosswalks, and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;

(7) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

(8) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing with the strength of a small child;

(9) Any structure, material or condition which constitutes a fire hazard or will impair extinguishing a fire;

(10) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;

(11) Any parcel of property containing a dwelling with a lawn or weeds in excess of ten (8) inches in height;

(12) Any nuisance described in the laws of the State or ordinances of the Town.

(d) Storing, Parking or Leaving Abandoned, Dismantled or Other Such Motor Vehicle Prohibited. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is unlicensed, abandoned, wrecked, dismantled, inoperative,

rusted, junked, or partially dismantled whether attended or not, upon any public or private property within the Town for a period in excess of ten days.

(1) The presence of such vehicles or parts thereof on private or public property shall be declared a public nuisance.

(2) This subsection shall not apply to any vehicle properly enclosed within a building on private property.

SECTION 3: PUBLIC NUISANCE RESOLUTION

(a) **Inspection of Premises.** Whenever a complaint is made that a public nuisance exists, or has existed, an inspection will be performed of the property under the direction of the Town Administrator.

(b) **Notice to the Owner**
If it is determined that a public nuisance exists on private premises, but the nature of such nuisance is not as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings and the Town Administrator. If determined that the nuisance violates the Town's Nuisance Ordinance, The Town Administrator will advise the Mayor and send a letter to the property owner requesting remediation within two weeks.

If the nuisance has not been cleared up within the initial requested two-week time period, a second letter will go out with a final two-week notice. This letter will include instructions with possible abatement charges, liens against property, and possible prosecution through the Town of White Hall's Police Department.

The Town Administrator may instruct the Town's Public Works to post a notification on the property.

(c) **Notice to owner.**
When it is determined that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Administrator will be alerted immediately.

The Town Administrator will advise the Mayor and Chief of Police of the immediate danger.

The Chief of Police will determine if contact needs to be made with the Owner. If the Chief of Police determines contact needs to be made, the owner will have 24 hours to address the situation with the Chief of Police.

The Town Administrator may instruct the Town's Public Works to post a notification on the property.

Steps of Resolution:

1. Inspection of Nuisance
2. Written notification to occupant of property or owner with required resolution within two weeks.
3. Inspection of Nuisance
4. Final written notification of two week notice if nuisance is not resolved.
5. If not resolved within the final two weeks, citation is written.
6. Court hearing is required.
7. Abatement of clean up work will include an invoice to the property owner, and lien on property if the Town has to clean up the nuisance.
8. Other action as determined in the Town's discretion

Section 4: RIGHTS OF OWNER

The property owner will have the right to request a hearing with the Town Council after receipt of the first notice by calling the Town Administrators office within the time frame noted on the initial letter.

SECTION 5: COST OF ABATEMENT

In addition to any other penalty imposed for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, jointly and severally, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes or as a lien against real property. Nothing in this article shall be construed to prohibit any police officer from arresting any person for committing or maintaining a nuisance when such arrest is made pursuant to law, nor shall it be construed to bar any available civil remedy.

SECTION 6: PENALTIES – CODIFIED ORDINANCE

Property that has not been brought to the standards of the Towns' nuisance ordinance within the final two weeks' notice may be subject to prosecution through the Town of White Hall's Police Department and/or Municipal Court, or any other venue having jurisdiction, under White Hall's codified ordinances and West Virginia law.

Whoever violates any provision of this Article shall be fined not less than one hundred dollars (\$100.00) nor greater than five hundred dollars (\$500.00). Each day such violations committed or permitted to continue shall constitute a separate offense.

SECTION 7: ADMINISTRATION RESPONSIBILITIES

It will be the Town Administrator and Chief of Police responsibility to report all updates to Town Council.

First Reading: July 13, 2026

Public Hearing: July 27, 2026

Second Reading: July 27, 2026

Passed by the Town council this 27th day of July, 2026.

Jason DeStefano
Mayor

Attest:
Paul Elmer
Recorder