

City Council – Action Request Form

Date: August 29, 2017
To: The City Manager
From: Angela I. Carmon, City Attorney

Council Action Requested:

Adoption of an Ordinance Amending Chapter 10, Article II to Create a New Section Entitled
“Unsafe Nonresidential Building or Structures”

Strategic Focus Area: Livable Neighborhoods
Strategic Objective: Improve Character and Condition of Neighborhoods
Strategic Plan Action Item: No
Key Work Item: No



Summary of Information:

Article 19 of Chapter 160A of the North Carolina General Statutes gives inspectors certified under the State Building Code the authority to declare a nonresidential buildings or structures within a community development target area unsafe if it meets both of the following criteria:

- (1) It appears to the inspector to be vacant or abandoned; and
- (2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

A community development target area is defined as “...an area that has characteristics of an urban progress zone under G.S. 143B-437.09, a "nonresidential redevelopment area" under

Committee Action:

Committee	<u>CD/H/GG 9/12/17</u>	Action	<u>Approval</u>
For	<u>Unanimous</u>	Against	<u></u>
Remarks:	<u></u>		

G.S. 160A-503(10), or *an area with similar characteristics designated by the City Council as being in special need of revitalization for the benefit and welfare of its citizens*. (Emphasis added) The attached ordinance incorporates into the City Code the unsafe building provisions regarding nonresidential buildings and structures and a process for City Council to designate areas of the City as being in "...special need of revitalization for the benefit and welfare of its citizens".

Staff has identified an area off of Patterson and Glenn Avenue as one that might benefit from such a designation and the application of the unsafe building statute and ordinance. Staff scheduled a meeting with the affected property owners, five of whom appeared at the meeting. There are discussions underway regarding the availability of city resources to assist with renovations. Staff will continue to work with said properties owners until the end of September. A copy of the ordinance has been shared with the North Carolina Realtors organization.

In the meantime, I would recommend the adoption of the attached ordinance. Once the ordinance has been adopted, the City Council may commence the process of formally identifying and designating areas consistent with the statute and ordinance to be in special need of revitalization for the benefit and welfare of its citizens. Following the adoption of a resolution identifying and designating an area in need of special revitalization, city staff can commence the process of inspecting buildings and structures in the area so designated to determine which buildings and structures meet the unsafe building criteria and to process those buildings and structures in accordance with the ordinance which means: (i) posting the property, (ii) notifying the property owner, (iii) setting and holding a hearing and (iv) providing the property owner with an opportunity to repair or demolish the property. The statute and thus the code affords the owner no less than 60 days to effectuate compliance. In the event of non-compliance, the statute provides the City with the option of initiating a legal proceeding to abate the violation or taking action to cause the unsafe building or structure to be removed or demolished placing a lien on the property for said cost much like the lien placed on properties when houses are demolished under the City's minimum housing code.