

Mary C. Hester



**Condemnation Ordinance for Gates County
Based upon NCGS 153A-366 – 153A-371**

The intent of this Ordinance is an effort to remedy the long standing issue of buildings that pose a danger to the health, safety, and welfare of the citizens of Gates County. Whereas, the County is permitted to act in accordance with North Carolina General Statutes 153A §366-371, and condemn any buildings that are deemed uninhabitable and a safety issue by the Building Inspector in consult with the Gates County Fire Marshal.

A list of offending properties will be kept on file in the Planning & Inspections department listing the address, owner(s), tax PIN number, and photographs of each structure. The list will come from written citizen complaints as well as from staff observations. Anonymous complaints will be verified by staff before action shall be taken. Priority will be given to sites with close proximity to residences, schools, and businesses. Barns, shelters, lean-to's, sheds, et al...that are utilized for agricultural purposes are not applicable to this ordinance, unless the health, safety, and general welfare of the public is in eminent danger. Public or County owned structures which are listed on the National Register of Historic Places and/or the North Carolina State Historic Preservation Office shall be exempt from this Ordinance. Private sites listed on the National Register of Historic Places and/or the North Carolina Historic Preservation Office shall be exempt from this ordinance for a period of 10 years from the date of sale. Within 10 years from any date of purchase, the new owner must have plans in place that maintain, restore, or alter the designated landmark to prevent it from being a danger to the health, safety and welfare of Gates County citizens. The Gates County Board of Commissioners reserve the right to revoke and/or disallow any waivers to this exemption if the requirements are not complied with or if deception is detected, in the judgment of the Gates County Board of Commissioners, to avoid compliance.

The Building Inspector in consult with the Gates County Fire Marshal shall condemn structures as unsafe based upon NCGS 153A-366. Proper posting of the property shall be given by placing notice upon the main entrance of the structure. Notice will be sent to the owner(s) of a building that has been condemned by certified mail at the owner's last known address, and notice of a hearing shall be given in the letter with an established time, date and location no more than 10 days after the date of the notice, as per NCGS 153A-368. If the name or whereabouts of the owner(s) cannot be located after due diligence, a notice of a hearing shall be published in a newspaper of general circulation at least once not later than one week before the hearing.

A staff hearing shall be conducted to assess the necessity of condemnation and any other remedies for the structure. Staff level hearings shall consist of the Building Inspector, Fire Marshal, Planning Director, and the County Manager. Following the hearing, the Building Inspector may issue any order to repair, close, vacate, or demolish the building as decided at the staff hearing.

The Building Inspector in consult with the Gates County Fire Marshal shall issue a written order, directed to the owner(s) of the building, requiring the owner(s) to remedy the defective conditions within 60 days of the written order. If there is imminent danger to life or other property, it is at the discretion of the Inspector to prescribe corrective action to be taken in a

lesser period. Failure to comply with the 60 day grace period could result in condemnation and demolition by Gates County.

The Gates County Board of Commissioners shall serve in the capacity as the final appellate board for the condemnation and demolition of the structure(s), and such order shall be signed by the Chairman of the Board of Commissioners, and kept on file in the Planning Department. After the staff level hearing, if the order to condemn the structure(s) still stands, the property owner(s) shall have the opportunity to furnish a written notice of appeal to the Board of Commissioners within ten (10) days of the order being issued. In the absence of an appeal, the decision rendered at the staff level hearing is final. Every condemnation order shall be signed by the Chair of the Board of Commissioners before any physical demolition shall take place.

The owner(s) of a posted property shall have the option to demolish, clean up, and dispose of the structure at a permitted landfill, and shall address any asbestos and lead paint issues in a proper manner. Demolition permits must be obtained from the Building Inspections Department and the proper disposal of any asbestos or lead paint is required. Structures will not be permitted to be buried on site. Remains of the structure may not be moved on the current site, nor transferred to another site. Burning on site will be permitted only after permits are obtained from the Gates County Fire Marshal and the North Carolina Division of Environmental and Natural Resources Air Quality Division. It shall be required of the owner(s) to produce to the Inspections Department receipts from the permitted landfill or recycling center where the materials were disposed of to ensure compliance with this Ordinance within fifteen (15) days after the structure was demolished.

After due notice being provided to the owner(s) as above stated and the exhaustion of all appeals of the condemnation order, the County may initiate the removal or demolition of the structure(s). The costs of such removal or demolition shall become a lien against the real property upon which cost was incurred including, but not limited to, costs of removal, disposal, filing fees, reasonable attorney fees, etc.

The lien shall be filed with the Clerk of Superior Court's Office and shall have the same priority as a lis pendens against the real property and can be collected in the same manner as a lien for special assessments including an actual sale of the said real property to recover all costs incurred by the County.

This ordinance shall take effect and be in force from and after the 6th day of July, 2011.

Duly adopted by the Board of Commissioners of Gates County, North Carolina, this the 6th day of July, 2011 and amended this the 21st day of November, 2011.



Graham Twine, Chairman
Gates County Board of Commissioners

ATTEST:

Diane R. Hendrix, Clerk to the Board

Gates County, North Carolina
Sworn to and subscribed before me this day by
Graham Twine, November 30, 2011.



Betty J. Okleshen
Betty J. Okleshen
My commission expires
March 8, 2014