



Nice Matters!

Town of Emerald Isle
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ORDINANCE AMENDING CHAPTER 9 – NUISANCE ABATEMENT - OF THE CODE OF ORDINANCES TO CLARIFY PROCEDURES FOR UNSAFE BUILDINGS

Whereas, Chapter 9 of the Code of Ordinances was amended as part of the Town’s comprehensive review of all Town ordinances in February 2015, and

Whereas, the amendments approved in February 2015 outlined a procedure for unsafe buildings that was identical to the procedure for other, less serious nuisances, and

Whereas, the North Carolina General Statutes outline the process and requirements for unsafe buildings in G.S. 160A – 426 through G.S. 160A – 434, and

Whereas, the Town now seeks to utilize the State process and requirements for unsafe buildings in its jurisdiction, and

Whereas, due to the serious and final nature of a demolition, the Town seeks to also include an additional confirmation role for the Board of Commissioners in instances in which a property owner has not complied with an order to repair or demolish an unsafe building and the Town has no other recourse than to proceed with the demolition of an unsafe building,

NOW THEREFORE BE IT ORDAINED by the Emerald Isle Board of Commissioners that

1. Chapter 9 – Nuisance Abatement, Article I. – Nuisances, Section 9-1 of the Code of Ordinances is hereby amended by deleting text as follows:

Chapter 9 – NUISANCE ABATEMENT

Article I. - Nuisances

Sec. 9-1. - Certain conditions declared nuisances.

The existence of any of the following conditions on any vacant or improved lot, parcel, or tract of real property within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (1) The uncontrolled growth of noxious weeds or grass to a height in excess of twenty-four (24) inches, or that is causing or threatening to cause a hazard detrimental to the public health or safety;
- (2) Any accumulation of rubbish, trash, construction debris or materials, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health;
- (3) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health;
- ~~(4) Any building or other structure which is partially or wholly burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard, or is structurally unsound to the extent that the town manager or designee reasonably determines that there is a likelihood of injury to any person or property entering the premises, is hereby declared to be a public nuisance.~~

~~(5) The existence of any of the following conditions resulting from or associated with wind, rain, erosion, hurricanes, storms, other natural or manmade calamities, accidents, occurrences, or deterioration shall constitute a public nuisance:~~

~~a. Damaged structure in danger of collapsing;~~

~~b. Damaged structure or debris from damaged structures offering a reasonable likelihood of personal injury or property damage;~~

~~c. Any structure or part thereof, regardless of condition, or any debris from a damaged structure(s) which is located in whole or in part in a public trust area, public right-of-way, or public lands;~~

~~d. The erosion of or damage to or destruction of a septic tank system and/or nitrification lines which provide the only means of sewage disposal system for a structure to the extent that the septic tank system has failed, the system cannot be repaired or replaced, and no other means of sewage disposal are available for the structure so that the use and occupancy of the structure without sanitary waste facilities would be harmful or prejudicial to the public, adjoining property owners, or the environment.~~

~~(6) Any accumulation of furniture, appliances, and/or other similar household items, motor vehicle parts, boats without trailers, and/or boats with trailers where the boat is not seaworthy or the trailer tires are flat.~~

2. Chapter 9 – Nuisance Abatement is hereby amended by adding a new Article V. – Condemnation, Repair, and Demolition of Unsafe Buildings as follows:

Secs. 9-43 – 9.49. – Reserved

ARTICLE V. CONDEMNATION, REPAIR, AND DEMOLITION OF UNSAFE BUILDINGS

Sec. 9-50. – Unsafe buildings

The existence of any of the conditions outlined in G.S. 160A-426 may cause the town to declare certain buildings as unsafe.

Sec. 9-51. Adherence to applicable North Carolina law.

The town shall follow and adhere to the process and requirements for the condemnation, repair, and demolition of unsafe buildings and have those enforcement rights and remedies as outlined in G.S. 160A-426 through G.S. 160A-434.

Sec. 9-52. Confirmation of town demolition of unsafe building.

In addition to the process and requirements outlined in G.S. 160A-426 through G.S. 160A-434, the board of commissioners shall also be required to confirm the town's removal or demolition of an unsafe building authorized in G.S. 160A-432. Said confirmation shall be considered by the board of commissioners at the first regularly scheduled meeting following the deadline established in the order.

Secs.9-53 – 9-99. - Reserved.

3. The Town Clerk is authorized to amend the sections as set forth above.

4. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the _____ day of _____, 2015, by a vote of

Commissioner(s) _____ voting for,

Commissioner(s) _____ voting against, and

Commissioner(s) _____ absent.

ATTEST:

Eddie Barber, Mayor

Rhonda Ferebee, CMC, Town Clerk