




<b>BK: RB 6083</b>	
<b>PG: 747-751</b>	<b>2017027381</b>
RECORDED: 08-23-2017	<b>NEW HANOVER COUNTY, NC</b>
04:06:56 PM	TAMMY THEUSCH BEASLEY
BY: ANDREA CRESWELL ASSISTANT	REGISTER OF DEEDS
	NC FEE \$26.00



**Community  
Services**  
Community  
Development  
Code

**Ordinance Directing the Minimum Housing Code Inspector to  
Vacate, Close and Demolish the Dwelling at  
1015 North 7<sup>th</sup> Street  
as Unfit for Human Habitation Pursuant to Article 5, Chapter 16  
of the City Code and Directing that a Notice to Placed Thereon  
Prohibiting it Use or Occupancy**

**Return to City of Wilmington  
CS/CD / Code Enforcement  
Attn: Brittany Redd  
(910) 341-3266**

# Ordinance



City Council  
City of Wilmington  
North Carolina

**Introduced By:** Sterling B. Cheatham, City Manager

**Date:** 8/15/2017

**Ordinance Directing The Housing Inspector To Vacate, Close And Demolish The Dwelling  
At 1015 NORTH 7TH STREET As Unfit For Human Habitation Pursuant To Article V,  
Chapter 16 Of The City Code And Directing That A Notice Be Placed Thereon Prohibiting  
Its Use Or Occupancy**

**LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, the City Minimum Housing Code enacted pursuant to Part 6, Article 19, Chapter 160A of the North Carolina General Statutes authorizes the vacating, closing and demolition of dwellings found unfit for human habitation; and

WHEREAS, the City Council of the City of Wilmington finds that the property described herein is unfit for human habitation under the City Minimum Housing Code, and that all of the provisions of the City Minimum Housing Code have been complied with as a condition of the adoption of this ordinance; and

WHEREAS, said dwelling should be vacated, closed and demolished as directed by the Housing Inspector and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of said dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the City Minimum Housing Code in accordance with N.C.G.S. Section 160A-443(5) pursuant to an order issued by the Hearing Officer on **September 29, 2015** and the owner having failed to comply with the order; and

WHEREAS, N.C.G.S. Section 160A-193 provides cities with the authority to summarily remove, abate, or remedy everything in the city limits that is dangerous or prejudicial to the public health or public safety; and

WHEREAS, the City Council has determined that the condition of the dwelling at **1015 North 7th Street** constitutes a danger to the public safety and should be immediately removed.

**NOW, THEREFORE, BE IT ORDAINED**

Section 1. That the Housing Inspector is hereby authorized and directed to place on the dwelling bearing the postal enumeration: **1015 North 7th Street** a placard containing the legend:

***“This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.”***

The realty upon which said dwelling is situated is more particularly described as follows:

**BEGINNING at a point in the Western line of Seventh that is South 05 degrees 37 minutes East along said line 49.5 feet from its intersection with the Southern line of Swan Street, running thence South 05 degrees 37 minutes East along the Western line of Seventh Street 33.5 feet; thence South 84 degrees 23 minutes West and parallel with Swann Street 75.0 feet; thence North 05 degrees 37 minutes West and parallel with Swann Street 75.0 feet, thence North 84 degrees 23 minutes East and parallel with Swan Street 75.0 to the point of the Beginning; the same being part of Lots 1 and 2, Block 308, according to the official plan or map of the City of Wilmington.**

**FURTHER SUBJECT, HOWEVER, TO ALL OUTSTANDING AND UNPAID TAXES AND ALL PRIOR LIENS OF RECORD.**

Parcel ID: **R04809-030-002-001**

Section 2. That it shall be unlawful for any person to remove or cause to be removed said placard from any dwelling to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any dwelling therein declared to be unfit for human habitation. Occupation of a building so posted shall constitute a Class 1 misdemeanor.

Section 3. That the owners and/or parties in interest of the dwelling herein above described are hereby ordered to vacate, close and demolish the subject dwelling found by the Housing Inspector to be unfit for human habitation within 15 days from the date of adoption of this ordinance.

If the owner and/or parties in interest shall fail or refuse to vacate, close and demolish and remove said dwelling within the time allowed, then the Housing Inspector is hereby authorized and directed to proceed to vacate and close, demolish or remove the above-described dwelling in accordance with this ordinance and order to the owner thereof dated **September 29, 2015** pursuant to Section 16-232 of the Minimum Housing Code and N.C.G.S. Section 160A-443. The cost of any such vacating and closing, or removal or demolition by the Housing Inspector shall be a lien against the real property upon which the cost was incurred as provided in Section 16-232 of the Minimum Housing Code and N.C.G.S. Section 160A-443.

Section 4. That the Housing Inspector is further directed and authorized to take such other and further action and exercise such other powers with respect to said dwelling as may be necessary or convenient to carry out and effectuate the provisions of the Minimum Housing Code of the City of Wilmington.

Section 5. That the City Clerk is hereby directed to record a certified copy of this ordinance in the office of the New Hanover County Register of Deeds and see that it is properly indexed in the name of the property owner(s) in the grantor index.

Section 6. That any person violating the provisions of the ordinance shall be subject to the penalties set forth in Section 16-1 of the City Code. If the violation is continued, each day's violation shall be a separate offense.

Section 7. That this ordinance may be enforced by an appropriate equitable remedy such as an injunction or order of abatement issuing from any court or competent jurisdiction pursuant to N.C.G.S. Section 160A-446(g).

Section 8. That this ordinance may be enforced by any, all, or a combination of the remedies as authorized and prescribed above and by law.

Section 9. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

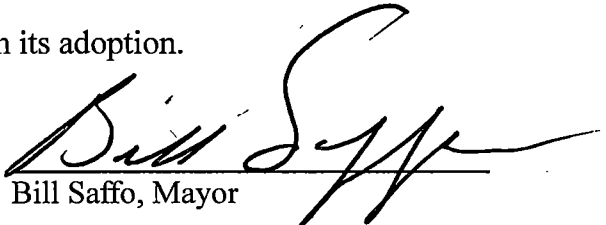
Section 10. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Section 11. That the owner(s) of the property described herein is **William E. Stone, II.**

Section 12. That the City Attorney is authorized to proceed with in rem foreclosure proceedings to collect taxes and liens owed for the property.

Section 13. This ordinance shall become effective upon its adoption.

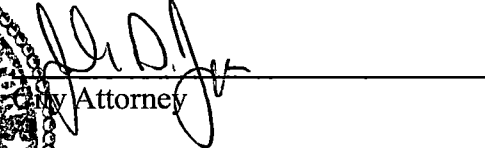
Adopted at a Regular meeting  
on August 15, 2017

  
Bill Saffo, Mayor

ATTEST:

  
Penelope Spicer-Siddons, City Clerk

APPROVED AS TO FORM:

  
City Attorney



TAMMY THEUSCH  
BEASLEY  
Register of Deeds

# New Hanover County

## Register of Deeds

320 CHESTNUT ST SUITE 102 • WILMINGTON, NORTH CAROLINA 28401  
Telephone 910-798-4530 • Fax 910-798-7716



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State of North Carolina, County of NEW HANOVER  
Filed For Registration: 08/23/2017 04:06:56 PM  
Book: RB 6083 Page: 747-751  
5 PGS \$26.00  
Real Property \$26.00  
Recorder: ANDREA CRESWELL  
Document No: 2017027381

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**DO NOT REMOVE!**

This certification sheet is a vital part of your recorded document. Please retain with original document and submit when re-recording.