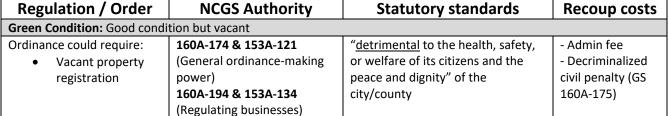
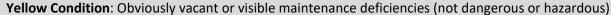
## **Repair of Nonresidential Buildings: NC Local Government Authority**









Ordinance could require:

• Keep bldg.

appearance in
good repair

 Exhibit no evidence of vacancy

Failure to comply, obtain:

- Injunction or
- Court order of abatement

Gov't may effectuate if owner cited for contempt for failing to comply with court order **160A-174 & 153A-121** (General ordinance-making power)

**160A-194 & 153A-134** (Regulating businesses)

In urban redevelopment area: "program of compulsory repair" and "loans therefor" 1604-503 & 1604-512 vi

160A-503 & 160A-512 via 160D-1311

- "detrimental to the health, safety, or welfare of its citizens and the peace and dignity" of the city/county
  - State v. Jones (1982):

    "aesthetic considerations may constitute a valid basis for the exercise of the police power" if public benefit outweighs private harm:
    - "protection of property values"
    - "preservation of the character and integrity of the community"
    - "promotion of the comfort, happiness, and emotional stability of area residents"

- Admin feeDecriminalized
- civil penalty (GS 160A-175) - Costs of executing court order are
- executing court order are mechanic's lien on property (GS 160A-175)



Red Condition: Building is dangerous or hazardous but can be repaired at reasonable cost

May order repair only if:

"dangerous and injurious" bldg. with repair cost <50% bldg. "value" (EXCEPT manuf. & warehousing)

160D-1201:

 "abandoned
 structure" that is a
 "hazard" with
 repair cost that is
 "reasonable" as
 determined by
 local government

**160D-1129** (Nonresidential Buildings)

**160D-1201** (Minimum Housing for any "abandoned" structure that is a "hazard")

In urban redevelopment area: "program of compulsory repair" and "loans therefor" 160A-503 & 160A-512 via 160D-1311 160D-1129: Repair cost LESS than 50% building value & "standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures."

**160D-1201**: Repair cost is "reasonable" (% defined by local govt per GS 160A-443) for "...any abandoned structure which [is] a health or safety hazard [for enumerated reasons]."

- Admin fee

- Civil penalty authorized under GS 160D-1129 but NOT 160D-1201
- Costs become lien collected as special assessment
- Costs also lien on owner's other property within city (but not home)

Black & Blue Condition: Building in need of demolition or removal



Ordinance can be enacted "to prevent the demolition by neglect of any designated landmark or any [structure] within an established historic district."

**160D-949/950** (Delay in demolition of landmarks and buildings in historic district)

**40A-3(b)(8)** (Eminent domain)

Governing board may establish standards and requirements but ordinance shall "provide appropriate safeguards to protect property owners from undue economic hardship."

General authority to enforce & effectuate ordinances (same as yellow condition) (GS 160A-175)