

ORDINANCE NO. 3274

AMENDING CHAPTER 11, ARTICLE II, OF THE CITY CODE

AN ORDINANCE ADDING TO THE HOUSING CODE CERTAIN PROVISIONS  
REQUIRED BY THE ENABLING LEGISLATION

Be it ordained by the City Council of the City of Charlotte,  
North Carolina that:

Section 1. Subsection 11-28(b) of the Code of the City of  
Charlotte shall be amended by the addition of a paragraph thereto, to  
be denominated subdivision (5) and to read as follows:

"Whenever a determination is made pursuant to subdivision (2)  
of this subsection (b) that a dwelling must be vacated and  
closed, or removed or demolished, under the provisions of this  
section, notice of the order shall be given by first-class  
mail to any organization involved in providing or restoring  
dwellings for affordable housing that has filed a written  
request for such notices. A minimum period of 45 days from  
the mailing of such notice shall be given before removal or  
demolition by action of the director, to allow the opportunity  
for any organization to negotiate with the owner to make  
repairs, lease, or purchase the property for the purpose of  
providing affordable housing. The director or the City Clerk  
shall certify the mailing of the notices, and the  
certification shall be conclusive in the absence of fraud.  
Only an organization that has filed a written request for such  
notices may raise the issue of failure to mail such notices,  
and the sole remedy shall be an order requiring the director  
to wait 45 days before causing removal or demolition."

Section 2. Subsection 11-28(c) of the Code of the City of  
Charlotte shall be amended by the addition thereto of a new  
subparagraph, to be denominated subparagraph (4) and to read as  
follows:

"If any occupant fails to comply with an order to vacate a  
dwelling, the director may file a civil action in the name of  
the City to remove such occupant. Such action shall be filed  
and conducted in accordance with the provisions of G.S.  
160A-443(7)."

Section 3. Section 11-31 of the Code of the City of  
Charlotte shall be rewritten to read as follows:

"(a) As provided by G.S. section 160A-443(6) and section 6.61  
of the City Charter, the amount of the costs of any  
repairs, alterations, or improvements, or vacating and  
closing, or removal or demolition, caused to be made or  
done by the director pursuant to section 11-30 or  
section 11-36 of this chapter shall be a lien against

the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10 of Chapter 160A of the General Statutes and section 6.61 of the City Charter."

- (b) If a dwelling or other structure is removed or demolished by the director, he shall sell the materials of the dwelling or other structure and any personal property, fixtures, or appurtenances found in or attached to the dwelling or other structure, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the director, shall be secured in a manner directed by the Court, and shall be disbursed by the Court to the persons found to be entitled thereto by final order or decree of the Court."

Section 4. Subsection 11-36(c) of the Code of the City of Charlotte shall be rewritten to read as follows:

"For purposes of subsections (a) and (b) of this section, 'abandoned structure' shall mean any structure that has not been occupied or used, by its owner or by some person acting under authority of its owner, for a continuous period of thirty (30) days or longer."

Section 5. Section 11-36 of the Code of the City of Charlotte shall be amended by the addition thereto of a new subsection, to be denominated subsection (d) and to read as follows:

"If the city council shall have adopted an ordinance, or the director shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided in section 11-28(b)(1), and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order, then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals, and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state, then in such circumstances, the city council may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- (1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days; or
- (2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.

"This ordinance shall be recorded in the Office of the Mecklenburg County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the director shall effectuate the purpose of the ordinance and file a lien against the property for costs so incurred."

Section 6. This ordinance shall become effective upon adoption.

This the 13th day of January, 1992.

Approved as to form:

  
Senior Assistant City Attorney

read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 13th day of January, 1992, the reference having been made in Minute Book 99, and is recorded in full in Ordinance Book 40, at page(s) 345-347.

Brenda R. Freeze  
Deputy City Clerk