



**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE OR DEMOLISH THE STRUCTURE LOCATED AT 10211 EAST SEA GULL DRIVE, NAGS HEAD, NORTH CAROLINA AS UNSAFE AND DANGEROUS TO LIFE AND DIRECTING THE PLACEMENT OF A NOTICE THEREON THAT THE SAME MAY NOT BE OCCUPIED**

WHEREAS, the Town of Nags Head Chief Building Inspector issued, in accordance with N.C.G.S. 160D-1119, an order dated June 23, 2022 finding that the structure located at 10211 E Seagull Drive (the "Structure") to be especially dangerous to life because of its liability to fire, because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring, unsafe heating systems, inadequate means of egress, or other causes, including, but not limited to those issues stated above; and further that pursuant to N.C.G.S. 160D-1119 the Structure has been and remains unsafe for human habitation and occupancy; and

WHEREAS, the Town of Nags Head Chief Building Inspector complied with the required procedures of N.C.G.S. 160D-1119, N.C.G.S. 160D-1121, and N.C.G.S. 160D-1122, and ordered that the owner of the Structure remedy the defective conditions of the Structure by repairing the defects, hazardous conditions and violations existing on the Property or by demolishing and removing the Structure on or before September 23, 2022 or such other time agreed to by the Building Inspector at the time the Owners obtain the necessary permits for repair or demolition; and

WHEREAS, the owner of the Structure failed to appeal from the Order entered by the Town of Nags Head Chief Building Inspector that ordered that the Owner remedy the defective conditions of the Structure by repairing the defects, hazardous conditions and violations existing on the Property or by demolishing and removing the Structure on or before September 23, 2022; and

WHEREAS, the Board of Commissioners for the Town of Nags Head finds that the Structure is especially dangerous to life because of its liability to fire, because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring, unsafe heating systems, inadequate means of egress, or other causes, including, but not limited to those issues stated above; and further that pursuant to N.C.G.S. 160D-1119 the Structure has been and remains unsafe for human habitation and occupancy, as provided in the June 23, 2022 order of the Chief Building Inspector issued in accordance with N.C.G.S. 160D-1122; and

WHEREAS, the Board of Commissioners for the Town of Nags Head finds that all of the procedures required in N.C.G.S. 160D-1118 through 160D-1125 have been complied with; and

WHEREAS, the Board of Commissioners for the Town of Nags Head has conducted a public hearing and provided notice of that hearing in compliance with law on whether it may adopt an ordinance directing the Town Manager, Building Inspector, or other appropriate staff to take action pursuant to N.C.G.S. 160D-1125 as necessary to abate the defective, hazardous and dangerous conditions of the Structure including but not limited to action to remove or demolish the Structure and further directing the placement of a notice thereon that the same may not be occupied; and

WHEREAS, the owner of the Structure, Cherry, Inc., has been given reasonable opportunity to remove or demolish the Structure pursuant to N.C.G.S. 160D-1122 and the order of the Chief Building Inspector and has failed to comply with the Chief Building Inspector's order; and

WHEREAS, the Board of Commissioners for the Town of Nags Head for the Town of Nags Head finds that the Town Manager, Building Inspector, or other appropriate staff should take action pursuant to N.C.G.S. 160D-1125 as necessary to abate the defective, hazardous and dangerous conditions of the Structure including but not limited to action to remove or demolish the Structure and further that staff should be directed to place a notice thereon that the same may not be occupied and prohibiting use of the Structure for human habitation.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the Town of Nags Head that:

Section 1. The Town Manager, Chief Building Inspector, or other appropriate staff as the Manager or Building Inspector may designate are hereby authorized and directed to place a placard on the Structure located at 10211 East Sea Gull Drive, Nags Head, North Carolina containing the following language: "This building is unfit for human occupation. The use or occupation of this building for human habitation is prohibited and unlawful."

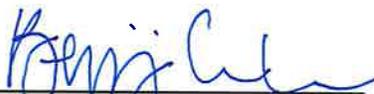
Section 2. The Town Manager, Chief Building Inspector, or other appropriate staff as the Manager or Building Inspector may designate are hereby authorized and directed to take action pursuant to N.C.G.S. 160D-1125 as necessary to abate the defective, hazardous and dangerous conditions of the Structure including but not limited to proceed to remove or demolish the above described Structure in accordance with his June 23, 2022 order and in accordance with N.C.G.S. 160D-1125.

Section 3. The cost of removal or demolition of the Structure shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Tax Collector for the Town of Nags Head and shall have the same priority and be collected in the same manner as the lien for special assessments as provided in Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. Upon completion of the required removal or demolition, the Town Manager, Chief Building Inspector, or other appropriate staff as the Manager or Building Inspector may designate shall comply with N.C. Gen. Stat. §160D-1125(b) and shall sell the salvageable materials of the Structure and credit the proceeds against the cost of removal or demolition. The authorized staff member responsible for selling the salvageable materials shall certify the remaining balance to the Tax Collector for the Town of Nags Head. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the authorized staff member responsible for selling the salvageable materials shall deposit the surplus in the Office of the Dare County Clerk of Superior Court where it shall be secured and disbursed in the manner provided by N.C. Gen. Stat. §160D-1125(b).

Section 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 6. This ordinance shall be in full force and effect from and after the 19<sup>th</sup> day of April 2023.

  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:

  
Michelle H. Gray, Dep. Town Clerk

APPROVED AS TO FORM:

  
John Leidy, Town Attorney

Date adopted: April 19, 2023



Motion to adopt by Commissioner Kevin Brinkley

Motion seconded by Commissioner Bob Sanders

Vote: 4 Ayes 0 Nays - Mayor Pro Tem Siers absent