



# MEMORANDUM

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**To:** Mayor and City Councilors

**From:** Rich Olson, City Manager  
Angela Cole, Assistant City Manager

**Date:** November 14, 2016

**Re:** **Presentation / Discussion** – Downtown Maintenance Code Progress Report

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## **BACKGROUND:**

The City Council considered and adopted the current Downtown Maintenance Code Ordinance during its March 14, 2016 Regular Meeting. The aim of the Downtown Maintenance code is to address blight and disrepair within the Central Business District. The Maintenance Standards for Downtown Commercial Structures section itemizes the various nuisances and hazards that violate the standard of good repair. The list of violations applies to the primary structure, accessory structures and their appurtenances. Windows and surrounding grounds are also included among the criteria.

The Downtown Maintenance Code was written so as to allow the enforcement officer the right to inspect the exterior and interior of the building or structure. Permission must be obtained from the property owner, their agent, or a tenant before the interior of any building or structure can be inspected. There is also language in the code that states the manner in which the City can abate the violations and the penalties imposed if a property owner fails to comply. Potential structural violations of the building code are referred to the Chief Building Inspector for handling.

## **ANALYSIS:**

Since the adoption of the Downtown Maintenance Code (DMC), Code Enforcement staff has teamed with City Planning and Inspections staff, as well as Elizabeth City

Downtown, Inc. to inform, investigate and cite property owners for the violations observed. Together with the immediate past ECDI Director, Code Enforcement informed downtown property owners and proprietors of the new code section affecting their property. Code Enforcement allowed until the first of May 2016 for the receipt of the information and fielding of questions. The DMC was also shared with Elizabeth City ACVB and Chamber of Commerce staff for the edification of their membership.

Starting in May, Code Enforcement conducted a visual survey of the Central Business District (CBD), assessing which properties showed the greatest amount of blight. Properties were identified as having one of three degrees of blight or impairment: Minor, Major or Substantial. The CBD was divided into quadrants and three noncontiguous auxiliary areas (Attachment A). The largest concentration of major and substantial violations was observed to be in Quadrant 1 (Attachment B); the second largest in Quadrant 4. Attachment C shows a list of these properties, including the violations observed, the dates notices were mailed, and the response or action taken by the property owner.

The steps staff has taken with each case includes the observation / inspection period; an initial courtesy letter to the property owner listing violations; a second and official Notice of Violation; and then a Notice of Hearing before the Board of (Zoning) Adjustment. Staff allows 13 days from the date of receipt of the courtesy letter and 13 days from the date of receipt of the Notice of Violation for the property owner to voluntarily abate any violations. Photographs are attached to each communication. If after receiving the correspondence, a property owner contacts Code Enforcement staff to arrange a negotiated timetable to voluntarily abate, then allowances are made and an extended period is allotted. However, if we do not receive word from a property owner, or the response is a statement of noncompliance, then Code Enforcement will proceed to coordinate with the Zoning Administrator and schedule a hearing with the Board. Procedurally, the first Notices of Violation regarding properties in Quadrant 1 are expiring or have expired. The next filing deadline to have these cases submitted to the Zoning Administrator for Board consideration is November 15; the quasi-judiciary hearing would be on Tuesday, December 20. The City of Elizabeth City would be the Applicant. There would not be an application fee; however costs for notification would be charged back to the Code Enforcement Division (Police Department).

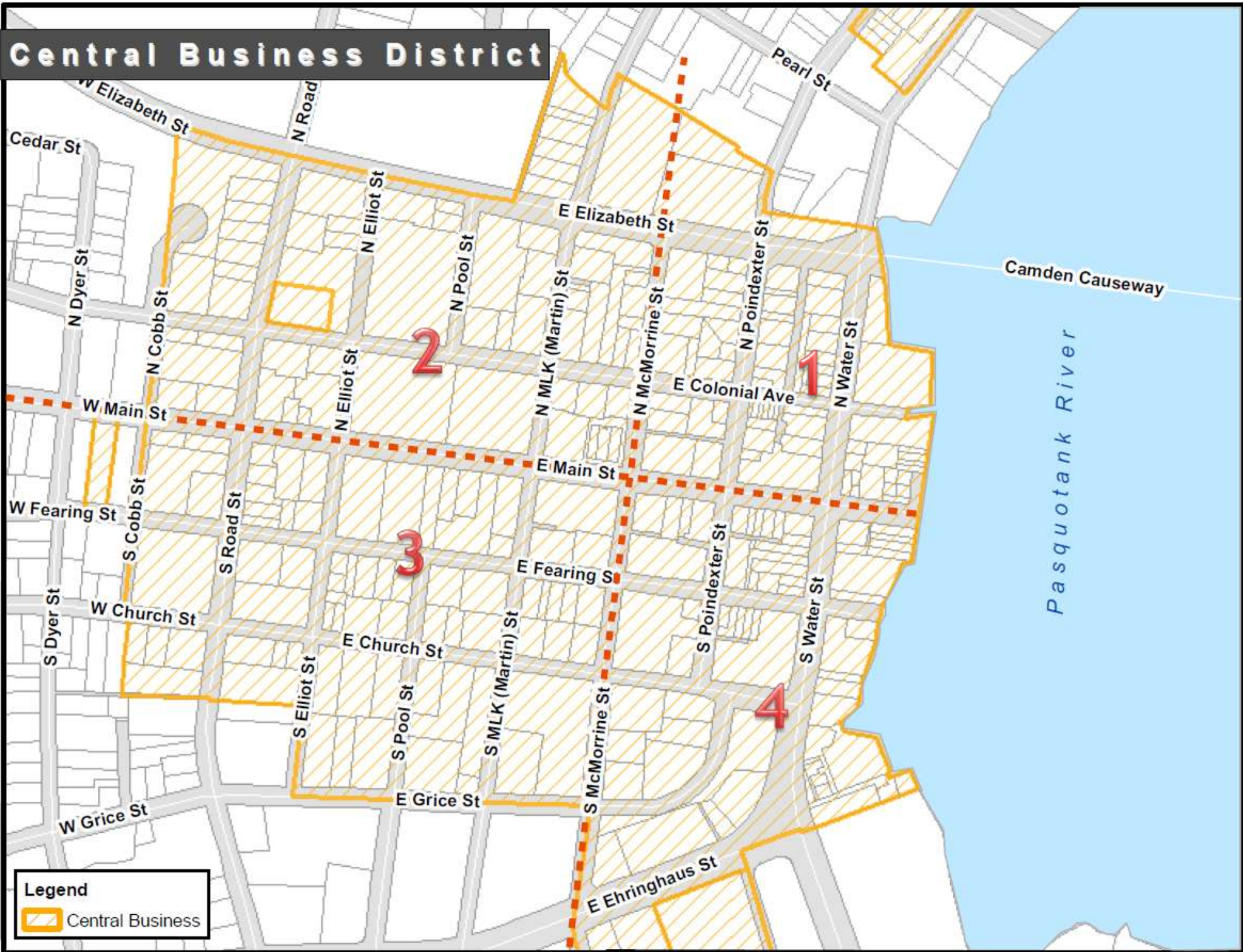
In cases of a hearing before the Board and noncompliance, the DMC spells out that the Board may grant up to a maximum of 90 days to allow the property owner to correct any violations. If the property owner chooses not to comply or file a writ of certiorari appeal with Superior Court, then the DMC spells out how the City may remedy the violation. Because the properties addressed in this agenda item may involve

litigation, the City Attorney will be prepared to address questions regarding specific properties and/or property owners during a closed session, as per NCGS 143-318.11(a)(3) Consultation with City Attorney.

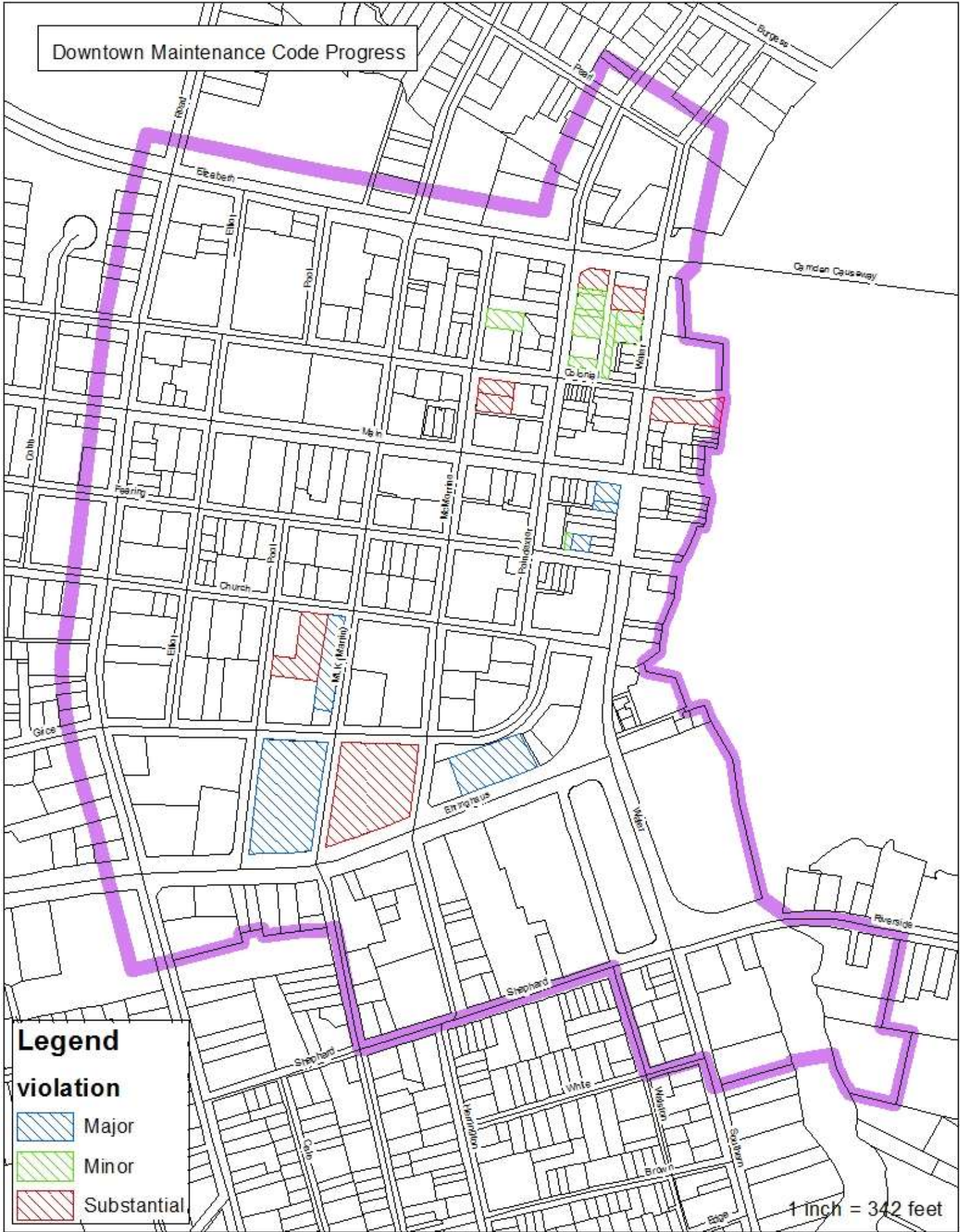
**STAFF RECOMMENDATION:**

Unless otherwise directed, staff will continue to follow the policies as established and prescribed by the City Council.

# Central Business District






# Downtown Maintenance Code Progress



## Legend

### violation

-  Major
-  Minor
-  Substantial

1 inch = 342 feet

# Downtown Maintenance Code Progress

