



MEMORANDUM

To: Mayor and City Councilors

From: Rich Olson, City Manager
Stanley Ward, Director of Inspections

Date: August 7, 2015

Re: Consideration – Adoption of Condemnation Ordinance authorizing demolition of structure

BACKGROUND:

Consideration is requested regarding condemnation and demolition of the structure located at 215 North Dyer Street. The subject building is owned by and formerly used by the American Legion Post 84. Inspection staff has been working with the owners since May 2014. Unfortunately, they do not have the resources to bring the building into compliance and have been meeting elsewhere for quite some time. Staff also requested that the Fire Department explore the possibility of burning the structure for a training exercise and as a way to help reduce the owner's abatement expenses. However, that was not an option since the adjacent house is too close. The City Manager has already granted Post 84 a courtesy extension by allowing them until September 1, 2015 to have any items of interest removed from the property. The City's proposal is to then proceed with the actual demolition after that date.

ANALYSIS:

The subject structure is:

- a. A vacant, single story wood frame building that is in various stages of disrepair (substandard and dilapidated, etc.);
- b. Presents a hazard to the general public and potential liability for the City;
- c. A title search is being performed by the City Attorney;
- d. No visible effort has been made to either maintain or bring the structure into compliance; and
- e. The structure continues to deteriorate and remains in violation of City and State Building Codes.

The Purchasing Agent solicited demolition bids from numerous demolition contractors. The lowest responsible bid was \$3,848, excluding landfill tipping

fees. The owners will be billed for all expenses incurred, including but not limited to any accrued interest after the initial billing.

FINANCIAL:

The Finance Committee discussed this matter during their meeting of August 7, 2015. Upon motion made by Mayor Peel, seconded by Councilman Donnelly, the committee unanimously recommended approval. However, the committee directed that this consideration be placed on the regular agenda for discussion by the Council.



STAFF RECOMMENDATION:

By motion, adopt the attached ordinance declaring the structure at 215 North Dyer Street condemned and authorize demolition of same.

RCO/vdw

ORDINANCE NO. _____

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED, OR THAT THE STRUCTURE BE DEMOLISHED.

WHEREAS, the City Council of the City of Elizabeth City finds that the property described herein is unfit for human habitation under the local and state codes, and that all of the provisions of said codes have been met as a condition of the adoption of this Ordinance; and

WHEREAS, said structure should be repaired to meet the requirements of the Code or demolished as directed by the Building Inspector, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owners of said structure has been given a reasonable opportunity to bring the premises up to the standards of the subject codes in accordance and pursuant to an order issued by the Building Inspector on Dec. 18, 2014; and the owner has failed to comply with said order;

NOW, THEREFORE, be it ordained by the City Council of the City of Elizabeth City that:

Section 1. The Building Inspector is hereby directed to post on the building at 215 N. Dyer St a sign containing the legend:

"This building is unfit for human habitation; the use or occupancy of this building for Human habitation is prohibited and unlawful."

Section 2. The Building Inspector is hereby authorized and directed to proceed to repair or demolish the above-described structure in accordance with his order to the owner thereof dated Dec. 18, 2014 and after abatement, then charge the property owners for all expenses incurred, including any accrued interest after the initial billing.

Section 3. It shall be unlawful for any person to remove or cause to be removed said 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 herein declared to be unfit for human habitation.

Section 4. This Ordinance shall become effective upon its adoption.

Adopted this 10th day of August 2015.

Joseph Peel
Mayor, City of Elizabeth City

ATTEST:

Vivian D. White
City Clerk