Prepared by and Return to: **Terry M. Taylor, Attorney at Law**
P.O. Drawer 2428, Hickory, NC 28603

CALDWELL COUNTY

TOWN OF SAWMILLS

Minimum Housing Code Enforcement Action concerning property of Bobby Dean Bowlin and Timothy Shawn Byrd, heirs of Olivia Byrd Stanley (collectively "Property Owner") Deed Book 1291, Page 1666, Caldwell County Registry, recording of Ordinance Pursuant to NCGS 160D-1203(5). Ordinance to be recorded in the name of the Property Owner in the Grantor Index.

Ordinance Passed:

Date: _____, 2026

By Action of Town Council

NORTH CAROLINA

CALDWELL COUNTY

AN ORDINANCE DIRECTING TOWN OFFICIALS TO VACATE AND CLOSE THE PROPERTY HEREIN DESCRIBED AS AN IMMINENT DANGER TO THE PUBLIC AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED
File No. 2026-05

WHEREAS, N.C. Gen Stat. § 160D-1201, et seq. authorizes any local government by ordinance to provide for the repair, closing or demolition of Dwelling, as defined by N.C. Gen. Stat. § 160D-1203, found unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, or other conditions rendering the Dwelling unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the local government; and

WHEREAS, the Town has adopted by ordinance in Chapter 154 of the Town of Sawmills Code of Ordinances ("Minimum Housing Ordinance") to provide for the repair, closing, or demolition of Dwellings found unfit for human habitation; and

WHEREAS, on or about February 4, 2026, the Code Enforcement Officer, as defined in Chapter 154 of the Minimum Housing Standards, found that the Dwelling located at 4330 Joplin Rd., Hudson, North Carolina, Parcel ID: 2756-74-3788 (the "Dwelling"), was unfit for human habitation; and

WHEREAS, on February 4, 2026, the Code Enforcement Officer, after conducting a preliminary investigation disclosing a basis for such charges, issued and caused to be served on the heirs and tenants of the property owned by Jerry and Olivia Byrd (deceased), the Owners of the dwelling, as defined by N.C. Gen. Stat. § 160D-1202(1), and parties in interest of such Dwelling, a complaint stating the charges in that respect and containing a notice that an administrative hearing would be held before the Code Enforcement Officer, or the designated agent, at a place within Town of Sawmills; and

WHEREAS, after notice and an administrative hearing on Februruy 25. 2026, the Code Enforcement Officer determined that the Dwelling was unfit for human habitation and the repair costs exceeds fifty percent (50%) of the value of the Dwelling. The Code Enforcement Officer determined the fact that the Dwelling was unsafe, dangerous and in non-compliance with Town ordinance and had inadequate egress, unsanitary living conditions and fire hazards and stated, in writing, findings of fact to support those determinations; and

WHEREAS, the repairs to the Dwelling can be made at a reasonable cost in relation to the value of the Dwelling; and

WHEREAS, on February 25, 2026, the Code Enforcement Officer issued and caused to be served on the Owner/Parties of Interest, an order requiring the Owners/Parties of Interest to vacate and close the Dwelling by not later than May 26, 2026; and

WHEREAS, the Owner of the Dwelling has been given a reasonable opportunity (exceeding ninety (90) days) to bring the Dwelling into conformity with the Minimum Housing Ordinance, but has failed to comply; and

WHEREAS, N.C. Gen Stat. § 160D-1203(4) provides and if the Owner fails to comply with an order to vacate, close and/or remove the Dwelling, the Code Enforcement Officer may, following ordinance adopted by the governing board, cause the Dwelling to be vacated, closed, posted with a placard on the main entrance of the Dwelling the following words: "This Dwelling is unfit for human habitation; the use or occupation of this Dwelling for human habitation is prohibited and unlawful," and occupants may be removed; and

WHEREAS, the Town Council has determined that the Dwelling is unfit for human habitation due to unsanitary living conditions, lack of utilities, inadequate egress and fire hazards rendering the Dwelling unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals or otherwise inimical to the welfare of the residents of the Town of Sawmills; and

WHEREAS, based on the foregoing, the Town Council finds that the Dwelling should be vacated, closed to meet the requirements of the Minimum Housing Ordinance and should be placarded by placing thereon a notice prohibiting use for human habitation until repaired; and

WHEREAS, the Town Council finds that all of the provisions of the Minimum Housing Ordinance have been complied with as a condition of the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sawmills, that:

SECTION 1. The Owner of the Dwelling, having been notified in accordance with Chapter 160D of the North Carolina General Statutes, is hereby ordered to vacate the Dwelling on or before September 18, 2026.

SECTION 2. The real property upon which the Dwelling is situated is more particularly described as follows:

BEGINNING on a stake, William Daniel Tolbert's corner in Ralph L. Tolbert's and Cora Greene's line, said stake being located at a point South 6° 30' West 100 feet from a large Hickory tree, said Tolbert's and Cora Greene's corner, and runs with William Daniel Tolbert's line North 89° 00' West 292.50 feet to a stake in the center of County Road No. 1128, William Daniel Tolbert's corner in Ralph L. Tolbert's line; thence with the center of said road and with Ralph L. Tolbert's line as follows: South 47° 30' East 150 feet; South 49° 00' East 100 feet, South 44° 00' East 25 feet; South 40° 00' East 25 feet; South 33° 00' East 25 feet; South 25° 00' East 25 feet; South 15° 00' East 25 feet, in all 375 feet, to a point in the center of said road, Ralph L. Tolbert's corner; thence still with said line North 50° 00' East 19 feet to a stake and chestnut oak tree, Ralph L. Tolbert's corner in Cora Greene's line; thence with said line North 6° 30' East 255 feet to the point of BEGINNING, containing 92/100ths of an acre, more or less.

BEING the same property conveyed by Ralph L. Tolbert, Jr. and wife, Annette P. Tolbert, to David Lee Tolbert and wife, Patricia P. Tolbert, by deed dated September 7, 1973, and recorded in Book 663, at Page 1178, Caldwell County Registry.

SECTION 3. That the Owners/Parties of Interest of the real property described herein are heirs of Jerry and Olivia Byrd.

SECTION 4. On September 19, 2026, the Code Enforcement Officer or his designee, is hereby authorized and directed to place a placard on the main entrance of the Dwelling containing the legend:

"THIS DWELLING IS UNFIT FOR HUMAN HABITATION. THE USE OR OCCUPATION OF THIS DWELLING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL. ANYONE FOUND TRESPASSING ON THE PROPERTY CAN BE CHARGED WITH A CLASS 1 MISDEMEANOR."

SECTION 5. It shall be unlawful for any person to remove, or cause to be removed, the placard from Dwelling to which it is affixed thereto pursuant to this Ordinance. It shall likewise be unlawful for any person to occupy or to permit the occupancy of Dwelling having been declared to be unfit for human habitation. Occupation of a Dwelling so posted shall constitute a Class 1 misdemeanor.

SECTION 6. That Owner and parties in interest of the Dwelling are hereby ordered to vacate and close the Dwelling found by the Code Enforcement Officer and Town Council to be unfit for human habitation within thirty (30) days from the date of adoption of this Ordinance. If the Owner or parties in interest fail to have the Dwelling vacated within thirty (30) days from the adoption of this Ordinance, the Code Enforcement Officer is hereby authorized to commence summary ejectment proceedings pursuant to N.C. Gen. Stat. § 160D-1203(4).

If the Owners or parties of interest fail or refuse to vacate and close the Dwelling within the time allowed, then the Code Enforcement Officer is hereby authorized to proceed to vacate, close and secure the Dwelling in accordance with this Ordinance pursuant to the Minimum Housing Ordinance and N.C. Gen Stat. § 160D-1203(4). The cost of vacating and closing by the Code Enforcement Officer shall be a lien against the real property upon which the cost was incurred as provided in the Town Code and Statues authorizing the repair, closing and demolishing of residential dwellings or structures by order of the Code Enforcement Officer N.C. Gen. Stat. § 160D-1203(4).

SECTION 7. The Code Enforcement Officer or his designee is further directed and authorized to take such other and further action and exercise such other powers with respect to said Dwelling as may be necessary or convenient to carry out and effectuate the provisions of the Minimum Housing Ordinance of the Town of Sawmills.

SECTION 8. That any person violating the provision of this Ordinance of the Minimum Housing Ordinance shall be subject to the penalties and fines set forth in Section 4-219. If the violation is continued, each day's violation shall be a separate offense. In addition, this

Ordinance may be enforced by an appropriate equitable remedy such as an injunction or order of abatement issued from any court or competent jurisdiction pursuant to N.C. Gen. Stat. § 160D-1208 and by any, all or a combination of the remedies as authorized and prescribed by law or under Chapter 154 of the Town of Sawmills Code of Ordinances.

SECTION 9. That the Town Clerk is hereby directed to record a certified copy of this Ordinance in the Office of the Caldwell County Register of Deeds and see that it is properly indexed in the name of the Owner in the grantor index.

SECTION 10. That all ordinances, or parts of ordinances in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION 11. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 12. That the Town Attorney is authorized to proceed with in rem foreclosure proceedings to collect taxes and liens owed for the property, if any.

SECTION 13. This Ordinance shall become effective upon its adoption.

ORDAINED by Town Council for the Town of Sawmills, North Carolina, this 18th day of August, 2026.

THE TOWN OF SAWMILLS,
a North Carolina Municipal Corporation

_____
Keith Warren, Mayor

ATTEST:

_____
Abby Rich, Town Clerk