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AN ORDINANCE DIRECTING CITY 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

WHEREAS, N.C. Gen. Stat. § 160D-1129, et seq. authorizes any local government by ordinance to provide for the repair, closing, or demolition of Buildings, as defined by N.C. Gen. Stat. § 160D-1129, found unfit for any use due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, or other conditions rendering the Buildings 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 City has adopted by ordinance in Chapter 4, Article 4 of the City of Lenoir Code of Ordinances ("Non-residential Buildings or Structures Standards") to provide for the repair, closing, or demolition of Buildings found unfit for any use; and

WHEREAS, on or about March 11, 2026, the Code Compliance Officer, as defined in Section 4-197 of the Non-residential Buildings Standards, found that the Building located at 397 Willow Street NW, Lenoir, North Carolina, Parcel ID: 06 5 4 3 (the "Building"), as unfit for any use; and

WHEREAS, on March 11, 2026, the Code Enforcement Officer, after conducting a preliminary investigation disclosing a basis for such charges, issued and caused to be served on Dustin Hartley, the Owner of the Building, as defined by N.C. Gen. Stat. § 160D-1202(1), and parties in interest of such Building a complaint stating the charges in that respect and containing a notice that an administrative hearing would be held before the Code Compliance Officer, or the designated agent, at Lenoir City Hall; and

WHEREAS, after notice and an administrative hearing, the Code Compliance Officer determined that the Building was unfit for any use due to the fact that the Building was unsafe, dangerous and in non-compliance with City ordinance due to structural damages to roof, ceiling, inadequate egress and fire hazards and stated, in writing, findings of fact to support that

determination; and

WHEREAS, the repair to the Building cannot be made at a reasonable cost in relation to the value of the Building; and

WHEREAS, on March 31, 2026, the Code Enforcement Officer issued and caused to be served on the Owner an order requiring the Owner to vacate and close the Building by not later than June 29, 2026; and

WHEREAS, the Owner of the Building has been given a reasonable opportunity to bring the Building into conformity with the Non-residential Buildings or Structures Standards, but has failed to comply; and

WHEREAS, N.C. Gen. Stat. § 160D-1129 provides that if the Owner fails to comply with an order to vacate, close and/or remove the Building, the Code Compliance Officer may, following ordinance adopted by the governing board, cause the Building to be vacated, closed, posted with a placard on the main entrance of the Building the following words: "This building is unfit for any use; the use or occupation of this building for any use is prohibited and unlawful," and removed; and

WHEREAS, the City Council has determined that the Building is unfit for any use due to structural damages to roof, ceiling, inadequate egress and fire hazards rendering the Buildings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the City of Lenoir; and

WHEREAS, based on the foregoing, the City Council finds that the Building should be vacated, closed, to meet the requirements of the Non-residential Buildings or Structures Standards, and should be placarded by placing thereon a notice prohibiting use for any use until repaired; and

WHEREAS, the City Council finds that all of the provisions of the Non-residential Buildings or Structures Standards have been complied with as a condition of the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lenoir, that:

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

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

> FIRST TRACT: BEGINNING on an iron pipe stake in or near the western margin of Oak Street at a point forty feet at a right angle from a point four feet west of the northeast corner of the Carolina Store Company's Warehouse, and runs North 87° 58' West 175-5/10 feet to an iron pipe stake eight feet from the centerline of the

railroad siding; thence North 28° 46' East 67 feet to the iron pipe stake eight feet from the centerline of said railroad siding; thence South 87° 54' East 122-8/10 feet to an iron pipe stake in or near the margin of Oak Street; thence with said street 64 feet to the BEGINNING, which is at an iron pipe stake forty feet from the Carolina Store's Warehouse. SECOND TRACT: BEGINNING on an iron pipe stake on the west margin of Oak Street, also T. H. and J. E. Broyhill's northeast corner, and running thence North 89° 00' West 150 feet to a railroad iron on the east side of Town Branch; thence with the east side of Town Branch, North 01° 35' East 36 feet to a stake in R. T. Greer's line; thence with his line, South 88° 00' East about 135 feet to a stake on the west margin of Oak Street; thence with the west margin of Oak Street, South 14° 00' East 37.1 feet to the BEGINNING. SUBJECT to express condition relating to an alleyway or street set out in quitclaim deed recorded in Book 213, Page 321, Caldwell County Registry. THIRD TRACT: BEGINNING on a brass nail, Greer Drug's and Whitnel Industries' corner and Oak Street on the edge of the pavement, and runs with Greer Drug's line, North 87° 54' West 146.30 feet to an iron piping in the center of the railroad siding; thence with the center of the railroad siding and a new line as follows: North 26° 24' East 30.85 feet; North 18° 54' East 30 feet; North 11° 17' East 50 feet, in all 110.85 feet to an iron pipe a new corner; thence a new line, South 79° 45' East 67.80 feet to a railroad spike in the edge of the pavement of Oak Street, a new corner in the Whitnel Industries' line; thence with the edge of the pavement of Oak Street and Whitnel Industries' line, South 37° 52' East 09 feet to a brass nail, Whitnel Industries' corner; thence still with the edge of the pavement of Oak Street and Whitnel Industries', South 24° 16' East 100 feet to the BEGINNING.
Parcel ID: 06 5 4 3
NCPIN: 2749676789

SECTION 3. That the Owners of the real property described herein is Dustin Hartley.

SECTION 4. The Code Enforcement Officer or his designee is hereby authorized and directed to place a placard on the main entrance of the Building containing the legend: “THIS BUILDING IS UNFIT FOR ANY USE; THE USE OR OCCUPATION OF THIS BUILDING FOR ANY PURPOSE IS PROHIBITED AND UNLAWFUL. ANY PERSON WHO OCCUPIES OR KNOWINGLY ALLOWS THE OCCUPANCY OF A BUILDING OR STRUCTURE SO POSTED SHALL BE GUILTY OF A MISDEMEANOR.”

SECTION 5. It shall be unlawful for any person to remove or cause to be removed the placard from Building 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 Building having been declared to be unfit for any use. Occupation of a building so posted shall constitute a Class 1 misdemeanor.

SECTION 6. That Owner and parties in interest of the Building are hereby ordered to vacate and close the Building found by the Code Enforcement Officer and City Council to be unfit for any use within 14 days from the date of adoption of this Ordinance. If the Owner or parties in interest fail to have the Building vacated within 14 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-1129(j).

If the Owners or parties of interest fail or refuse to vacate and close the Building within the time allowed, then the Code Enforcement Officer is hereby authorized to proceed to vacate, close and secure and demolish the Building in accordance with this Ordinance pursuant to the Non-residential Buildings or Structures Standards and N.C. Gen. Stat. § 160D-1129. The cost of vacating and closing, or removal and demolition by the Code Enforcement Officer shall be a lien against the real property upon which the cost was incurred as provided in the Regulation authorized as to repair, closing, and demolishing off non-residential buildings or structures; order of public officer N.C. Gen. Stat. § 160D-1129(i).

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 building as may be necessary or convenient to carry out and effectuate the provisions of the Non-residential Buildings or Structures Standards of the City of Lenoir.

SECTION 8. That any person violating the provision of this Ordinance or the Non-residential Buildings or Structures 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 issuing from any court or competent jurisdiction pursuant to N.C. Gen Stat. § 106D-1129 and by any, all, or a combination of the remedies as authorized and prescribed by law or under Section 4-219(2) of the City of Lenoir Code of Ordinances.

SECTION 9. That the City 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 City 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 City Council for the City of Lenoir, North Carolina, this __ day of _____, 2026.

THE CITY OF LENOIR,
a North Carolina Municipal Corporation

ATTEST:

_____ (Seal)
Joseph L. Gibbons, Mayor

_____
Lauren Hartley, City Clerk