AN ORDINANCE DIRECTING THE COUNTY TO REMOVE 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

File No. _____

WHEREAS, the Board of Commissioners for Caldwell county finds that the **Dwelling** (defined below) located at **2969 Collettsville Rd, Lenoir, NC (NC PIN: 2831007149**) is unfit for human habitation under the county's Minimum Housing Code and that all of the procedures of the Minimum Housing Code have been complied with; and

WHEREAS, this dwelling should be removed or demolished as directed by the county official and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Minimum Housing Code in accordance with NCGS Chapter 160D, Article 12 pursuant to an order issued by the Code Enforcement Officer on the 10th day of October, 2024 and the owner has failed to comply with the Order;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for Caldwell county, that:

Section 1. The owner of such dwelling is hereby ordered to vacate any occupants and/or personal property therein on or before the XXth day of January, 2024.

Section 2. The county official is hereby authorized and directed to place placards on the dwelling containing the legend:

"This building is unfit for human habitation. The use or occupation of this building for human habitation is prohibited and unlawful."

Section 3. The county official is hereby authorized and directed to proceed to remove or demolish the above described dwelling in accordance with the order to the owner thereof dated the 10th day of October, 2024**,** and in accordance with the county's Minimum Housing Code and NCGS 160D-Article 12;

Section 4. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of NCGS Chapter 160A;

(b) Upon completion of the required removal or demolition, the county official shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The county official shall certify the remaining balance to the Tax collector. If a surplus remains after the sale of the materials and satisfaction of the cost of removal or demolition,

the county official shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160D Article 12.

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

Section 6. North Carolina General Statute 160D-102 and the Caldwell county Minimum Housing Ordinance define a "Dwelling" as any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.

Section 7. This Ordinance shall become effective upon its adoption.

ADOPTED this 13th day of January, 2025.

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Randy T. Church, Chariman

ATTEST:

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Abby Rich, County Clerk