Abandoned Building Ordinance

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THE CITY OF ASHEVILLE



Abandoned Building Ordinance

Key Takeaways

- The proposed ordinance update provides an additional tool for our Compliance Team to pursue the Building Regulatory Compliance process
- Compliance Team regulates the Unsafe Building Ordinance and Minimum Housing
- Compliance of the ordinance includes providing a safe (remediated) building for the general public - A demolished building isn't the only compliance option
- Since 2023, the efforts of our Compliance Team have resulted in the demolition of 8 residential buildings that qualified as Abandoned.
    - Demolition occurred by the current owner or new owners of the property
- A proactive building demolition program is not included in this ordinance change and would require significant additional human and financial resources

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Abandoned Building Ordinance

Ordinance Update

Wording from General Statute 160D-1201

Authority from 160D-1201

- (b) Abandoned Structures. – Any local government may by ordinance provide for the…

- …The ordinance may provide for the repair, closing, or demolition of such structure pursuant to the same provisions and procedures as are prescribed by this Article for the repair, closing, or demolition of dwellings found to be unfit for human habitation. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 39, 51(a), (b), (d).)

THE CITY OF ASHEVILLE

Abandoned Building Ordinance

Ordinance update

<u>Section 4-223</u>. Exercise of police powers: authority.

The city council hereby finds and declares that the existence, within the City of Asheville, of abandoned structures which may result in health or safety hazards due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities, and that, in such case, a public necessity shall exist to exercise the police powers of the city pursuant to Article 12 of Chapter 160D of the General Statutes of North Carolina, as now or hereafter amended, to repair, close, or demolish such structures in accordance with the procedure herein provided.

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Abandoned Building Ordinance

Ordinance Update

- Terminology

- The term **Abandoned Building** originates from the NC General Statute 160D-1201 which is the basis of this Ordinance Update.
  - … the past one year period and which is determined by the City to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities.

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Abandoned Building Ordinance

Ordinance update

Provide additional tool to use for the compliance/enforcement regulatory process

Section 4-224. **Purpose**
The purpose of this article is to authorize the remediation and prevention of the health or safety hazards posed by abandoned structures by empowering the City to take action to repair, close, or demolish such structures for the protection of the life, health, welfare, safety, and property of the general public.

Section 4-225. **Scope**
The provisions of this article are applicable to all structures existing and hereafter constructed within the City of Asheville that are abandoned structures necessitating repair, closing, or demolition to protect public health, welfare and safety.

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Questions?

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