



**AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REMOVE OR DEMOLISH  
THE STRUCTURE AT 8320 S OLD OREGON INLET ROAD, NAGS HEAD, NORTH CAROLINA  
AS DANGEROUS AND UNSAFE FOR HUMAN HABITATION  
AND DIRECTING THE PLACEMENT OF A NOTICE THEREON THAT THE SAME MAY NOT BE OCCUPIED**

WHEREAS, the Board of Commissioners for the Town of Nags Head (the "Town") finds that pursuant to N.C.G.S. § 160A-426 et seq. the structure, appurtenances and fixtures (collectively the "Structure") located 8320 S Old Oregon Inlet Road, Nags Head, North Carolina (the "Property") have been and remain unsafe for human habitation and occupancy. The Town further finds that the Structure is especially dangerous to life because of its liability to fire, because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring and heating system, inadequate means of egress, or other causes as detailed in the June 30, 2016 order (the "Order") of the Town's Building Inspector issued in accordance with N.C.G.S. § 160A-426 et seq. A copy of the Order has been attached to this ordinance. The Town further finds that that all of the procedures required in the Town's ordinances and N.C.G.S. § 160A-426 et seq. have been complied with; and

WHEREAS, the record owner of the Structure, Helen Teresa Ayers has been given notice and a reasonable opportunity greater than sixty (60) days to remove or demolish the Structure pursuant to the Order and have failed to comply with the Order. The Owner has not appealed the Order and pursuant to N.C.G.S. § 160A-430 the Order is final. Therefore, pursuant to N.C.G.S. § 160A-432(b), the Town may cause the Structure to be removed or demolished; and

WHEREAS, the Structure should be removed or demolished as directed by the Town's Building Inspector and should be placarded by placing on the Structure a notice prohibiting use for human habitation or occupation until such removal or demolition occurs; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the Town of Nags Head that:

Section 1. The Town's Building Inspector is hereby authorized and directed to place a placard on the Structure located at 8320 S Old Oregon Inlet Road, Town of Nags Head, North Carolina containing the following language:

"This building is dangerous and unsafe for human occupation. The use or occupation of this building for any purpose is prohibited and unlawful."

Section 2. The Town's Building Inspector is hereby authorized and directed to proceed to remove or demolish the above described Structure in accordance with the Order and N.C.G.S. § 160A-426 et seq.

Section 3. The cost of removal or demolition of the Structure shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Tax Collector for the Town of Nags Head and shall have the same priority and be collected in the same manner as the lien for special assessments as provided in Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 4. The Town's Building Inspector shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The Building Inspector shall credit the proceeds against the cost of removal or demolition. The Town's Building Inspector shall certify the remaining balance to the Tax Collector for the Town of Nags Head. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Town's Building Inspector shall deposit any surplus in the Office of the Dare County Clerk of Superior Court where it shall be secured and disbursed in the manner provided by N.C.G.S. § 160A-432(b).

Section 5. The amounts incurred by the Town in connection with the removal or demolition shall also be a lien against any other real property owned by the Owners within the Town limits or within one mile of the Town limits, except for the Owners' primary residences. The provisions of N.C.G.S. § 160A-432(b) apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

Section 6. This ordinance shall be in full force and effect from and after the 7<sup>th</sup> day of September 2016.

  
Robert C. Edwards, Mayor

ATTEST:

  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

  
John Leidy, Town Attorney



Date adopted: September 7, 2016

Motion to adopt by Commissioner \_\_\_\_\_  
Motion seconded by Commissioner \_\_\_\_\_  
Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS

NORTH CAROLINA  
DARE COUNTY

BEFORE THE BUILDING INSPECTOR  
FOR THE TOWN OF NAGS HEAD

IN THE MATTER OF THE STRUCTURE :  
LOCATED AT 8320 S Old Oregon Inlet Rd :  
NAGS HEAD, NORTH CAROLINA :  
PIN No. 070908898456 :  
OWNERS: :  
Helen Teresa Ayers :  
\_\_\_\_\_ :

ORDER

THIS MATTER came on for hearing before the undersigned Building Inspector for the Town of Nags Head, North Carolina on June 30, 2016 (the "Hearing"), upon issuance of a letter of complaint and a notice of hearing pursuant to N.C. Gen. Stat. §§ 160A-426 and 160A-428 and upon the Building Inspector's determination that the structure located 8320 S Old Oregon Inlet Rd, Nags Head, North Carolina (the "Property") is unsafe and in its current condition is especially dangerous to life because of its liability to fire, because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring and heating system, inadequate means of egress, or other causes.

Based on an inspection of the Property and review of the notice of hearing, the letter of complaint, the record, and the evidence presented and statements of the owners of the Property, the Building Inspector makes the following FINDINGS OF FACT, that:

1. Helen Teresa Ayers (the "Owner") owns the Property and the structure and appurtenances and fixtures located thereon (collectively the "Structure").
2. This matter was initiated following the Building Inspector's investigation of the Structure on or about February 6, 2016 and again on or about April 21, 2016.
3. Following the Building Inspector's inspection of the Structure the Building Inspector determined that pursuant to N.C.G.S. § 160A-425 there were numerous defects in Structure, and that the Structure, because of its condition, is dangerous and contains fire hazardous conditions. Specifically, the conditions included, but were not limited to, the following:
  - a. The Structure has been damaged by fire and remains in a state of disrepair.
  - b. The Structure does not have potable water, power, and has damaged components including siding, sheathing, egress, and windows.

4. Following the Building Inspector's inspection of the Structure the Building Inspector further determined that pursuant to N.C.G.S. § 160A-426 the Structure was unsafe for human habitation and occupancy and, in its current condition, was especially dangerous to life because of its liability to fire, because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring and heating system, inadequate means of egress, or other causes. Specifically, the dangerous conditions included, but were not limited to, the following:
  - a. All of the stated conditions listed above in item #3.
  - b. The Structure remains open and unsecured.
  - c. The roof and walls of the Structure have been fire damaged and are at risk of collapse.
  - d. A fuel tank on the property has been damaged by fire.
  - e. There are damaged mechanical and electrical components which create an increased risk of fire.
5. Pursuant to the above stated determinations, on February 9, 2016, the Building Inspector condemned the Structure, posted a notice of condemnation on the Structure pursuant to N.C.G.S. N.C.G.S. § 160A-425 and 426 and duly served upon the Owner a letter notifying them of the condemnation and the reasons therefore. The notification requested Owners to immediately remedy the defects, hazardous conditions and violations existing on the Property.
6. As of June 20, 2016, the Structure remained in the same, if not worse, unsafe and uninhabitable condition than it was in at the time of the initial posting of condemnation notice on February 9, 2016.
7. On June 20, 2016, the Building Inspector issued and duly served upon all of the Owners a complaint and notice of hearing in compliance with N.C.G.S. § 160A-428. The complaint and notice of hearing re-informed the Owner of the reasons for condemnation of the Structure and set the date of the Hearing to be June 30, 2016.
8. The Hearing was held June 30, 2016 at 2:00 p.m. and the following persons were present for the Hearing: the undersigned Building Inspector; Andy Garman, Planning Director; Cliff Ogburn, Town Manager and Michelle H Gray, Deputy Town Clerk for the Town.
9. As of the date of the Hearing the Owner had not obtained any building permits for demolition, repair or construction work on the Structure.
10. At the Hearing, the Owner was not present.
11. Based upon the foregoing FINDINGS OF FACT, the Building Inspector CONCLUDES that the Structure, in its current condition, is especially dangerous to life because of its liability to fire, because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring and heating system, inadequate means of egress, or other causes, including, but not limited to those issues stated above. The Building Inspector further CONCLUDES that pursuant to N.C.G.S. § 160A-426 the Structure has been and remains unsafe for human habitation and occupancy.

WHEREFORE, based on the forgoing FINDINGS OF FACT and CONCLUSIONS, it is hereby ORDERED that the Owner shall remedy the defective conditions of the Structure by completely repairing or demolishing and removing the Structure on or before August 30, 2016 or such other time agreed to by the Building Inspector at the time the Owner obtains a repair or demolition permit. Please keep in mind that permit review may take time and could exceed the time you have under this order. So, it is imperative that you obtain permits as soon as possible. Failure to completely repair or demolish and remove the Structure in compliance with this Order will result in the Town exercising other remedies available to Town to have the structure demolished and removed.

This the 30<sup>th</sup> day of June, 2016.

  
DAVID H. MORTON  
CHIEF BUILDING INSPECTOR  
TOWN OF NAGS HEAD

IF YOU ARE NOT SATISFIED WITH THIS ORDER YOU MAY APPEAL THE ORDER TO THE BOARD OF COMMISSIONERS FOR THE TOWN OF NAGS HEAD BY GIVING NOTICE OF APPEAL IN WRITING TO THE BUILDING INSPECTOR AND TOWN CLERK FOR THE TOWN OF NAGS HEAD WITHIN TEN (10) DAYS FOLLOWING ISSUANCE OF THIS ORDER. IN THE ABSENCE OF AN APPEAL, THIS ORDER SHALL BE FINAL.