

BUILDING CONDEMNATION

§ 150.25 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DWELLING. Any building or structure or any part thereof situate in the corporate limits of the town.

GOVERNING BODY. The Board of Aldermen.

PARTIES IN INTEREST. All individuals, associations, and corporations who have interest or record in a dwelling or any who are in possession thereof.

PUBLIC AUTHORITY. Any authority or any officer who is in charge of any department or branch of the government of the town, Swain County, or State or North Carolina, relating to health, fire, building regulations, or other activities concerning dwelling and buildings in the town.

PUBLIC OFFICER. The officer who is appointed by the governing body to exercise the powers prescribed by this subchapter.
(`92 Code, § 90.20) (Ord. passed 2-19-50)

§ 150.26 PUBLIC OFFICER APPOINTED.

A public officer shall be appointed by the governing body to exercise the powers prescribed by this subchapter.
(`92 Code, § 90.21) (Ord. passed 2-19-50)

§ 150.27 PETITION.

Whenever a petition is filed with the public officer by an authority or by at least five residents of the town, charging that any dwelling or building situated in the town is dangerous to life, health or other property, or whenever it appears to the public officer (on his own motion) that any dwelling is dangerous to life, health or other property, then the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest in such dwelling, a complaint stating the charges in that respect and containing a notice that hearing will be held before the public officer (or his designated agent) at a place within the town therein fixed, not less than ten days and not more than 30 days after the serving of the complaint; that the owner and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules or evidence prevailing in courts or law or equity shall not be controlling in hearings before the public officer.
(`92 Code, § 90.22) (Ord. passed 2-19-50)

§ 150.28 FINDINGS OF FACT.

If, after such notice and hearing, the public officer determines that the dwelling under consideration is dangerous to life, health or other property, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner and occupant thereof an order to immediately vacate the dwelling and require the owner within a period of 90 days to remove or demolish such dwelling.
(`92 Code, § 90.23) (Ord. passed 2-19-50)

§ 150.29 FAILURE TO COMPLY WITH ORDER.

If the occupant fails to comply with an order to vacate such dwelling, the public officer may cause such dwelling to be vacated by issuing an order to the Chief of Police ordering him to forthwith and immediately vacate such dwelling. If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished: provided, however, that the duties of the public officer set forth in this section shall not be exercised until the governing body shall have by ordinance ordered the public officer to effectuate the purpose of this subchapter with respect to the particular property or properties which the public officer shall have found to be dangerous to life, health or other property, and which property or properties shall be described in this subchapter.

(`92 Code, § 90.24) (Ord. passed 2-19-50)

§ 150.30 COST OF REMOVING OR DEMOLISHING.

The cost of removing or demolishing the dwelling by the public officer shall be a lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the public officer he shall sell the materials of the dwelling and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be paid to the owner by the public officer.

(`92 Code, § 90.25) (Ord. passed 2-19-50)

§ 150.31 SERVICE OF COMPLAINTS NOTICES AND ORDERS.

Complaints, notices and orders issued by a public officer pursuant to this subchapter shall be served upon the owner of the building or structure pursuant to G.S. § 160A-428. If the whereabouts of such person is unknown, notice shall be posted or published as set forth in G.S. § 160A-428.

(`92 Code, § 90.26)

§ 150.32 APPEAL.

An appeal may be taken from any and all findings of fact or conclusions of law rendered by the public officer to the Superior Court of Swain County in the same manner as provided by the General Statutes of North Carolina for taking an appeal from a judgment of a Justice of the Peace to the Superior Court.

(`92 Code, § 90.27) (Ord. passed 2-19-50)

§ 150.33 COMPENSATION.

Nothing in this subchapter shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of the State of North Carolina, nor as permitting any property to be condemned or destroyed except and in accordance with the police power of the state.

(`92 Code, § 90.28) (Ord. passed 2-19-50)