

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE VI, REGULATION OF BOARDED UP RESIDENTIAL STRUCTURES, OF CHAPTER 14, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Article VI, regulation of boarded up residential structures, of chapter 14, is amended by deleting the same in its entirety and substituting the following:

Article VI. - Regulation of Boarded Up Structures

Sec. 14-121. Purpose and Authority.

- a. It is the purpose of this article to promote the health, safety and welfare of the citizens and preserve the dignity and peace of the city by establishing regulations governing boarded up structures in order to prevent their detrimental effects in the city's neighborhoods.
- b. The department shall be responsible for the administration and enforcement of the provisions of this article and shall have the following authority:
 1. To inspect the properties;
 2. To obtain administrative search and inspection warrants, if necessary, as provided in G.S. 15-27.2; and
 3. To issue notices of violation and impose civil penalties.

(Ord. No. S2012-014, § 1, 8-27-2012.)

Sec. 14-122. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Board Up means the boarding up of any means of egress and ingress, including, without limitation, windows and doors that are clearly visible from the public right-of-way, to an unoccupied structure.

Department means the development services department, housing and code enforcement division. With respect to the department, the development services director may delegate any of the functions or powers of the department under this article to such officers and agents as he may designate.

Owner means the holder of title in fee simple and includes the owner's duly authorized agent or attorney.

Structure means anything constructed or erected, the use of which requires location on the land, or attachment to or something having a permanent location on the land. The term "structure" shall be construed as if followed by the words, "or part thereof"

Unoccupied means a structure that is not occupied or that is occupied by unauthorized persons. In the case of a multi-unit residential structure, unoccupied means when any one unit is unoccupied or occupied by unauthorized persons.

Section Footnote(s)

(*Ord. No. S2012-014, § 1, 8-27-2012*; Ord. No. S2015-011, *§ 1, 8-24-2015*)

Sec. 14-123. Registration.

- a. No owner shall board up a structure without registering the structure with the department no later than 48 hours after boarding it up. Failure to register the structure within 48 hours after boarding it up will subject the owner to civil penalty as set forth in section [14-127](#) of this article.
- b. The owner of the boarded up structure must submit an application for registration to the department on a form prescribed by the department within 48 hours of boarding it up. The completed registration form shall contain the following information:
 1. The full name and mailing address of the owner;
 2. The full address and tax parcel number of the structure to be boarded;
 3. An accurate telephone number where the owner may be reached;
 4. If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the present residence and business addresses and telephone numbers for the agent;
 5. The owner's plan for the occupancy, repair or demolition of the structure;
 6. The owner's plan for regular maintenance during the period the structure is boarded up; and
 7. Such other information as the department shall from time to time deem necessary.
- c. The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.
- d. Registration of a boarded up structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, without limitation, including [Chapter 14](#). By accepting an owner's registration, the department has not determined that the structure being registered is in compliance with any applicable local or state regulation or law.

(*Ord. No. S2012-014, § 1, 8-27-2012*)

Sec. 14-124. Time Limit.

- a. An owner who registers a boarded up structure pursuant to section [14-123](#) of this article shall comply with section [14-39](#)(i) of the Fayetteville Code of Ordinances and any

guidelines for boarding up structures as shall be established by the department from time to time.

- b. An owner's registration of a boarded up structure shall expire three years from the date of registration with the department. Upon notification from the department of expiration of registration an owner shall, within 60 days of such notification, remove all boarding from doors and windows. Doors and windows may be covered with at least one-half inch thick transparent shatter-proof acrylic material, in compliance with section 14-39(j). Doors and windows shall be free of any defects prior to covering.

([Ord. No. S2012-014, § 1, 8-27-2012](#); Ord. No. S2015-011, 8-24-2015)

Sec. 14-125. Compliance Period for Existing Structures.

An owner who owns a boarded up structure prior to the effective date of this article shall register the structure with the department in compliance with section [14-123](#) of this article within 30 days of the effective date of this article. The registration shall be effective for three years following the date of registration. An owner who fails to register the structure within 30 days of the effective date of this article shall be in violation of this article and shall be subject to civil penalty as described in section [14-127](#) of this article.

([Ord. No. S2012-014, § 1, 8-27-2012](#))

Sec. 14-126. Reserved.

([Ord. No. S2012-014, § 1, 8-27-2012](#); deleted by Ord. No. S2015-011, § 1, 8-24-2015)

Sec. 14-127. Notice of Violation; Penalties.

Except as otherwise specified in this article, the department shall notify the owner of a boarded up structure of a violation of this article and the owner shall have ten business days from the date of the notice of violation to abate the violation. Failure to abate the violation shall subject the owner to a civil penalty in accordance with the fee and penalty schedule as approved by city council until the violation is abated. The civil penalty may be recovered in the nature of a debt in accordance with North Carolina law.

([Ord. No. S2012-014, § 1, 8-27-2012](#))

Sec. 14-128. Notices.

Any notice required to be given by the department under this article to the owner shall be given either by personal delivery to the owner or by first class United States mail to the most current address listed in the registration that has been received by the department. In the event an owner has failed to register with the department any required notice may be sent to the address listed for the responsible person in the county property tax records. Notices shall be deemed given upon their deposit in the United States mail and shall be deemed to have been received on the third regular postal delivery day thereafter.

([Ord. No. S2012-014, § 1, 8-27-2012](#))

Sec. 14-129. Appeal of Civil Penalties.

An owner who has been assessed a civil penalty for a violation of this article may request an appeal hearing in accordance with section 1-9 of the Fayetteville Code of Ordinances.

(Ord. No. S2012-014, § 1, 8-27-2012.)

Article Footnote(s)

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Editor's note— Ord. No. S2012-014, § 1, adopted August 27, 2012, amended the Code by adding provisions designated as Art. VI, §§ 14-101—14-109. Inasmuch as current Art. V contains provisions through § 14-117, the provision of Ord. No. S2012-014 have been included herein as §§ 14-121—14-129. See also the Code Comparative Table.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2023.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk