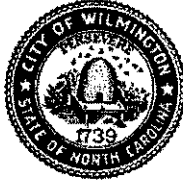


Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 11/1/2011

Ordinance Amending the Land Development Code to Apply the Demolition by Neglect Ordinance to the CBD, Central Business District (LDC-4-911)

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, N.C.G.S. Section 160A-400.15 (as enacted pursuant to Session Law 2011-367) authorizes municipalities that meet certain criteria to apply demolition by neglect ordinances to contributing structures in the central business district located outside historic districts designated pursuant to G.S. § 160-400.4; and

WHEREAS, contributing structures and resources, located within the CBD, Central Business District, and outside of the historic district overlay, are set forth in the list maintained by the City Clerk, a copy of which is attached hereto as exhibit "A"; and

WHEREAS, the city meets the requirements of G.S. § 160A-400.15 to extend the application of its demolition by neglect ordinance, as follows:

1. The population of the city is in excess of 100,000 according to the 2010 United States Census;
2. The city has designated portion of the CBD, Central Business District and its adjacent historic districts as an Urban Progress Zone (UPZ) as defined in N.C.G.S. Section 143B-437.09; and
3. The city is recognized by the State Historic Preservation Office and the U.S. Department of the Interior as a Certified Local Government, and New Hanover County has not received this certification.

WHEREAS, the amendment set out below is intended to promote the public health, safety and welfare by applying the demolition by neglect ordinance to contributing structures and resources within the CBD, Central Business District.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 3, Sec. 18-99 of the Wilmington City Code is hereby amended to read as follows:

"Section 18-99. Demolition by neglect of buildings and structures.

The exterior features of any building or structure (including walls, fences, light fixtures, steps, pavement, paths or any other appurtenant feature) or any type of outdoor advertising sign either designated as a historic landmark within the city or found to have significance and located

within a historic district or, within the CBD, Central Business District but outside of a locally-designated historic district or overlay, as set forth in the list maintained by the City Clerk, shall be preserved by the owner, or such other person who may have legal possession, custody, and control thereof, against decay and deterioration and kept free from structural defects which contribute to demolition by neglect. The owner or other person having such legal possession, custody, and control, shall upon written request by the city, repair such exterior features if they are found to be deteriorating or if their condition is contributing to deterioration and demolition by neglect, including but not limited to, any of the following defects:

- (a) Deterioration of exterior walls, foundations or other vertical support that causes leaning, sagging, splitting, listing or buckling.
- (b) Deterioration of flooring or floor supports, roofs or other horizontal members that causes leaning, sagging, splitting, listing or buckling.
- (c) Deterioration of external chimneys that causes leaning, sagging, splitting, listing or buckling.
- (d) Deterioration or crumbling of exterior plasters or mortars.
- (e) Ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors.
- (f) Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint or weathering due to lack of paint or other protective covering.
- (g) Rotting, holes and other forms of decay.
- (h) Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings and architectural details that causes delimitation, instability, loss of shape and form or crumbling.
- (i) Heaving, subsidence or cracking of sidewalks, steps or pathways.
- (j) Deterioration of fences, gates and accessory structures.
- (k) Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of a historic landmark.
- (l) Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health or other property.”

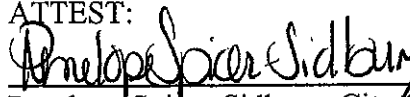
SECTION 2. That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

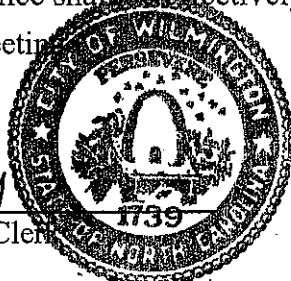
SECTION 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

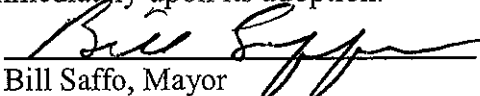
SECTION 4: That if any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

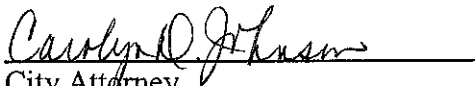
SECTION 6: That this ordinance shall be effectively immediately upon its adoption.

Adopted at a regular meeting
on November 1, 2011.

ATTEST:

Penelope Spicer-Sidbury, City Clerk




Bill Saffo, Mayor

APPROVED AS TO FORM:

Carolyn Johnson
City Attorney