

**City of Fayetteville Staff Review Form**

**2018-0663**

**Legistar File ID**

**12/18/2018**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

City Attorney Kit Williams

11/20/2018

CITY ATTORNEY (021)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

An ordinance to amend Section 166.159(C) *Expiration of Building Permit* of the Unified Development Code to require the automatic expiration of a building permit 30 days after the City Council has ordered the raze and removal of the structure.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>NA</u>	Current Budget      \$                      -
	Funds Obligated      \$                      -
	Current Balance      \$                      -
<b>Does item have a cost?</b> <u>No</u>	Item Cost
<b>Budget Adjustment Attached?</b> <u>NA</u>	Budget Adjustment
	Remaining Budget      \$                      -

V20180321

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Original Contract Number:** \_\_\_\_\_

**Comments:**



OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Rhonda Lynch  
Paralegal

**TO: Mayor Lioneld Jordan**  
**City Council**

**CC: Don Marr, Chief of Staff**  
**Paul Becker, Chief Financial Officer**  
**Garner Stoll, Community Services Director**  
**Yolanda Fields, Community Resources Director**  
**Matthew Cabe, Building Safety Official**

**FROM: Kit Williams, City Attorney**

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

**DATE: November 15, 2018**

**RE: Confirmation of previous Raze and Removal Order**

The City has been very cautious about razing and removing houses that appear to be able to be rehabilitated by their owners. Not only does Community Resources try to work with these owners to get their houses repaired and safe, but Building Safety often also tries to help an owner obtain a building permit to begin repairs. On February 6, 2018, Community Resources presented facts to the City Council justifying the raze and removal of a 520 square foot house on East Meadow Street. After the public hearing, the City Council voted to order the raze or removal of this dilapidated and unsafe structure. I have attached Resolution 48-18 ordering the raze and removal.

The owner then began telling Building Safety that he would repair and rehabilitate this building once he was provided a building permit. He even hired an attorney to help him delay the demolition with promises of his prompt and correct repairs. I thought this might indicate that the owner might have sufficient resources to perform the work needed to repair and



rehabilitate his house. Unfortunately, once the Building Safety issued him a building permit, promises to fix the problems were not kept.

I was concerned about demolishing someone's house as long as they held a valid building permit to fix it. Our Unified Development Code states that a building permit can be cancelled if work is not begun within 180 days. This is fine with a normally issued building permit, but our Building Safety Division should be able to cancel a building permit for a structure ordered by the City Council to be razed much more quickly if the owner fails to make substantial progress repairing the structure. Therefore, after consultation with Community Resources and Building Safety, I have proposed an amendment to Section 166.15 (C) *Expiration of Building Permit* to allow cancelation of a building permit if an owner of a building ordered to be razed fails to make substantial progress on its repairs.

The owner of 171 East Meadow has been long on promises, but totally lacking on performance. His building permit will expire in December before this agenda item comes before you for decision. Since it has been very many months since you ordered the raze and removal of this structure, I request that you confirm your earlier Order to Raze and Remove after hearing from Building Safety about the owner's failure to repair or fix his structure. Based upon your original Order of February 6, 2018 and your confirmation of such Order, demotion should proceed quickly without any further delays.

If you pass the amendment to the *Expiration of Building Permit* section, then we should never again be faced with such a lengthy delay. We can then continue to work with an owner who actually promptly begins significant repair and rehabilitation efforts of a house ordered to be razed without fear that issuing a building permit could delay demolition for months.