

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ORDER THE  
STRUCTURE AT 201 SUGARLOAF ROAD BE VACATED AND CLOSED TO COMPLY  
WITH THE STANDARDS OF CHAPTER 12 ARTICLE III OF THE CITY CODE**

IN RE: Hendersonville Hospitality, LLC  
201 Sugarloaf Road  
Hendersonville, NC 28792  
PIN: 9579-56-1085

**WHEREAS**, Hendersonville Hospitality, LLC (hereinafter the “Owner”) is the owner of that real property located at 201 Sugarloaf Road, and being more particularly described in that deed recorded in Deed Book 3708 at page 653, Henderson County registry (hereinafter the “Property”); and

**WHEREAS**, The Property is developed as a hotel/resort and includes two commercial structures. The structure with the property address 201 Sugarloaf Rd has 62,977 square feet, such structure hereinafter referred to as the “Subject Structure”. There is a second structure located on the parcel that is currently vacant and includes 16,129 square feet, hereinafter “Subordinate Structure.”

**WHEREAS**, On or about December 4, 2024, January 17, 2025, January 24, 2025, and February 12, 2025, the Code Enforcement Officer of the City of Hendersonville (hereinafter called the “Code Enforcement Officer”) pursuant to Chapter 12; Article III; Sections 12-41 of the Code of Ordinances of the City of Hendersonville (hereinafter called the “Code”), and G.S. 160D-1129, conducted a preliminary investigation of the Subject Structure and documented evidence of violations of the minimum standards contained in Sec. 12-40 of the Code; and

**WHEREAS**, The Code Enforcement Officer caused a complaint to be served upon the Owner and parties in interest stating the charges and giving notice of an administrative hearing; and

**WHEREAS**, The Code Enforcement Officer held an administrative hearing on January 8, 2025 and February 13, 2025 and based on the evidence submitted determined that violations of the minimum standards contained in Sec. 12-40 of the Code exist and issued a written order, dated February 28, 2025, stating findings of fact in support of the determination of the violations, hereinafter “Enforcement Order”; and

**WHEREAS**, The Enforcement Order further found that the violations of Sec. 12-40 of the Code will jeopardize the safety or health of the occupants of the Subject Structure or the general public, and required the owner to repair the Subject Structure and the premises or otherwise vacate and close the Subject Structure no later than March 28, 2025; and

**WHEREAS**, No appeal from the Enforcement Order was made pursuant to G.S. 160D-1208; and

**WHEREAS**, The Owner, after having been given a reasonable opportunity to do so, has failed to complete the remedial actions stated in the Enforcement Order, and therefore the Owner as failed to take prompt corrective action; and

**WHEREAS**, On April 11, 2025, the Hendersonville Fire Marshall ordered the Subject Structure to be immediately evacuated due to the presence of imminently dangerous conditions, hereinafter “Evacuation Order”; and

**WHEREAS**, subsequent to the issuance of the Evacuation Order, six people were found to be occupying the Subject Structure and had to be ordered to leave by the Hendersonville Fire Marshall; and

**WHEREAS**, the Owner was served with a notice for a public hearing before the City Council; and

**WHEREAS**, the City Council held a public hearing concerning this matter on June 5, 2025; and

**WHEREAS**, the Code Enforcement Officer has requested the City Council of the City of Hendersonville to adopt an Ordinance ordering the Code Enforcement Officer to: (1) Cause the Subject Structure to be repaired, or otherwise may order the building to be vacated and closed, and (2) Cause to be posted on the main entrance of the Subject Structure, a placard entitled, "Notice of condemnation" with the following words: "Notice is hereby given that this building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful. Such building has been condemned under the building laws of the State of North Carolina and the City of Hendersonville."

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina:

1. The City Council finds that: As of the date of this Ordinance, the Owner has not caused repairs to be made to the Subject Structure to comply with the Enforcement Order. In particular, the following conditions exist as of the date of this Ordinance:
  - a. [insert]
2. Based on the totality of the circumstances, the City Council finds that the Subject Structure is unsafe and unfit for human habitation, and therefore orders the Subject Structure be closed, vacated, and condemned.
3. Pursuant to G.S. 160D-1129, and Section 12-44 of the Code of Ordinances for the City of Hendersonville, the City Council hereby orders the Code Enforcement Officer to:
  - a. Cause the Subject Structure to be vacated and closed; and
  - b. Cause a Notice of Condemnation to be placed on the Subject Structure, to read as follows: “Notice is hereby given that this building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful. Such building has been condemned under the building laws of the State of North Carolina and the City of Hendersonville.”
4. The Subject Structure shall remain closed in its entirety and ineligible for occupation until all violations of Chapter 12, Article III of the Code are corrected and abated.
5. No repair shall be deemed complete until such time as such repair has been duly inspected by the appropriate City or County official having jurisdiction over such repair. For the avoidance of doubt, repairs governed by the NC State Building Code must be inspected and approved by the Henderson County Building Inspections Department; repairs governed by the North Carolina Fire Prevention Code must be inspected and approved by the Hendersonville Fire Marshall; and repairs governed by North Carolina public health statutes and accompanying administrative code provisions must be inspected and receive a passing grade by the Henderson County Department of Public Health, Environmental Health Division; and all other violations cited in the Enforcement Order must be inspected and approved by the Hendersonville Code Enforcement Officer.

6. After all repairs have been made, the Owner shall contact the Hendersonville Code Enforcement Officer and other City and County enforcement officials to request inspection for compliance with this Ordinance. The Owner shall permit access to all parts of the Subject Structure, including, without limitation, all rooms and common areas to: the Code Enforcement Officer and staff, Hendersonville Fire Marshall and staff, Henderson County Building Services Director and staff, and Henderson County Environmental Health Director and staff, or their respective designees.
7. The Subject Structure may only be occupied in whole or in part pursuant to an ordinance adopted by the City of Hendersonville City Council lifting or amending the restrictions contained herein.
8. If any occupant fails to vacate the Subject Structure, the Code Enforcement Officer may file a civil action in the name of the City to remove the occupant in accordance with the terms and requirements contained in G.S. 160D-1129(j).
9. Pursuant to Sec. 12-44(e) of the Code and G.S. 160D-1129(i), the amount of the cost vacating and closing the Subject Structure shall be a lien against the Property upon which the Subject Structure is situated. Such lien shall be filed, have the same priority and be collected as the lien for special assessment provided in G.S. 160A, Art. 10. The amount of the foregoing costs shall also be a lien on any other real property of the Owner located within the city limits except for the Owner's primary residence. This additional lien is inferior to all prior liens and shall be collected as a money judgment.

Adopted this 5<sup>th</sup> day of June 2025.

Attest:

\_\_\_\_\_  
Barbara G. Volk, Mayor, City of Hendersonville

\_\_\_\_\_  
Jill Murray, City Clerk

Approved as to form:

\_\_\_\_\_  
Angela S. Beeker, City Attorney