

**TOWN COUNCIL REGULAR
MEETING
AGENDA ITEM MEMO**

SUBJECT: Consideration of Proposed Amendments to Sec. 8-195.
Procedure for Enforcement (Minimum Housing).
DATE: May 4, 2026
DEPARTMENT: Administration

Subject Summary:

Oak Island enforces minimum housing code ordinances pursuant to state statute, which provides comprehensive enforcement procedures that Oak Island's zoning enforcement department is required to follow. In addition to those comprehensive statutory procedures, Oak Island has duly adopted ordinances with its own version of enforcement procedures. The Town's own ordinances almost identically track state statute, but the Town Attorney has identified a difference between them that complicates enforcement procedures.

A basic principle of minimum housing enforcement is that the local governing board must adopt an ordinance that approves the demolition of a structure deemed to be in violation of minimum housing. State statute authority calls for this ordinance adoption to occur after (1) the property owner has been given notice, (2) a fact-finding administrative hearing is held, (3) a written order directing any necessary remedial action is issued, (4) the property owner is given reasonable time to comply, and, only then, (5) an ordinance can be adopted that authorizes Town staff to demolish a structure. But Town Code deviates from this process by requiring the Council's adopted ordinance to occur in the middle of the sequence, squarely between step (2), the administrative hearing, and step (3), the written order being issued. The Town is within its rights to add an ordinance requirement in the middle of the process, but the Town has no authority to remove the written ordinance requirement from the end of the process, which state law still requires.

A two-ordinance process increases the Town's administrative burden. The additional ordinance adds additional notice requirements and waiting periods, causes duplicative work for staff and Town Council, and does not seem to provide meaningful additional due process to property owners. For these reasons, the Town Attorney recommends aligning the Town Code with state statute by removing the duplicative ordinance requirement. The proposed amendment will bring the Town Code into alignment with state statute, which will reduce the administrative burden on Town staff and streamline the minimum housing enforcement process, while still protecting all due process rights that are owed to property owners.

Attachments:

[Sec._8_195 Proposed Amendment](#)

Financial Impact Statement: N/A

Legal Review: N/A

